

BOARD OF SUPERVISORS

MINUTES

July 26, 2006

Supervisors in Attendance:

Mr. R. M. "Dickie" King, Jr.,
Chairman
Mr. Kelly E. Miller, Vice Chrm.
Mrs. Renny Bush Humphrey
Mr. Arthur S. Warren

Mr. Lane B. Ramsey,
County Administrator

Staff in Attendance:

Colonel Carl Baker,
Chief of Police
Ms. Janice Blakley, CMC,
Dep. Clerk to the Board
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Kevin Bruny, Dean,
Chesterfield University
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Roy Covington, Dir.,
Utilities
Ms. Rebecca Dickson,
Deputy Co. Administrator,
Human Services
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Revitalization
Ms. Carol Judkins,
Budget and Management
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Int.
Superintendent of Schools
Mr. Mike Mabe, Dir.,
Libraries
Ms. Barbara Mayfield, Dir.,
Emergency Communications
Chief Paul Mauger,
Fire and EMS Dept.
Ms. Faith McClintic, Asst.
Dir., Economic Development
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Dr. William Nelson,
Dir., Health Dept.
Mr. Francis Pitaro, Dir.,
General Services

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. King called the regularly scheduled meeting to order at 3:04 p.m.

1. APPROVAL OF MINUTES FOR:

1.A. JUNE 28, 2006 (REGULAR MEETING)

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the minutes of June 28, 2006, as submitted.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

1.B. JULY 7, 2006 (SPECIAL MEETING)

Mr. Warren stated the minutes of July 7, 2006 should be corrected to reflect that four Board members signed a "Notice of the Meeting" waiving any further Notice, instead of all five Board members.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the minutes of July 7, 2006, as amended.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

(It is noted that the minutes must remain as submitted because all five Board members, including Mr. Barber, were required to sign a "Notice of the Meeting.")

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. ACCREDITATION OF CHESTERFIELD EMERGENCY COMMUNICATIONS

Mr. Ramsey stated Chesterfield Emergency Communications was recently awarded accredited status by the Commission on Accreditation for Law Enforcement Agencies.

Ms. Mayfield provided details of the standards required for accreditation of the organization. She thanked the Human Resource Management, Fire and Police departments for their assistance in achieving the accreditation.

Mr. Ramsey commended Ms. Mayfield on the professionalism of Chesterfield Emergency Communications.

2.B. PANDEMIC AND AVIAN INFLUENZA PRESENTATION

Dr. Nelson presented the Board with an overview of pandemic and avian influenza. He provided details of seasonal versus

pandemic epidemics; pandemics that have occurred during the past century; avian influenza outbreaks; human cases of avian influenza; and the impact of past pandemics. He then reviewed actions the county is taking to prepare for a pandemic.

Discussion ensued relative to availability of the vaccine for avian influenza and the status of West Nile Virus.

Mr. King thanked Dr. Nelson for the informative presentation.

2.C. PROCESS FOR REMOVING SIGNS IN VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAYS

Assistant County Attorney Tara McGee provided an interim report of the efforts of the team (Mr. Stith, Senior Zoning Inspector Ted Barclay and Ms. McGee), which is reviewing the process for removing illegal signs. She stated the county does not have statutory authority to work in VDOT rights of way, but Mr. Barclay has a letter from VDOT stating that he is authorized to remove signs from their rights of way. She noted Mr. Barclay has removed over 12,000 signs from VDOT rights of way since January 2004. She stated the team is pursuing a formal agreement with VDOT that will allow use of volunteers to remove signs and provide enforcement for repetitive offenders. She noted training and safety issues for the use of volunteers must be addressed. She stated the team is consulting with other jurisdictions that currently use volunteers to remove signs to find out what they do and what success they have had. She further stated the team will provide a final report and recommendation at the Board's August 23rd meeting.

Discussion ensued relative to criminal enforcement actions the county could take as a result of an agreement with VDOT.

In response to Mr. Warren's question, Ms. McGee stated Risk Management is reviewing liability issues with the use of volunteers.

Mr. Warren commended staff on their efforts in removing illegal signs in VDOT rights of way and expressed concerns relative to the number of illegal signs that still exist.

Discussion ensued relative to enforcement efforts by jurisdictions that currently have an agreement with VDOT for removal of signs in rights of way.

Mr. King expressed appreciation to Mr. Dick Page for the positive way he came to the Board with this issue.

2.D. GRAVESHAM, ENGLAND TWINNING RELATIONSHIP

Mr. Ramsey provided details of the county delegation's visit to Gravesham, England as part of a twinning relationship. He stated an economic development partnership was discussed with Kent County during the visit. He further stated businesses were visited that have a presence in the county, and an expansion of one of those businesses was discussed. He stated the delegation spent time with the chiefs of the eight Virginia Indian tribes, of which Pocahontas originated. He

noted it was the first time in 400 years that the Indians had experienced a connection with Pocahontas.

Mr. King stated the visit was a highlight in his life. He further stated he was honored to lay a wreath at Pocahontas' gravesite and to be in the presence of the English officials and the Indian chiefs and tribal delegation. He acknowledged the significance of the Indians in making America a great nation. He stated he has asked Mr. Ramsey to prepare a presentation regarding the visit for the Board's August 23rd meeting.

Mr. Ramsey stated he had discussions with some of the Indian Chiefs relative to providing activities at Henricus Historical Park for the 2007 Celebration, indicating that this will significantly add to the tourism attraction of Henricus.

Mr. King presented each Board member with a small memento from England.

3. BOARD MEMBER REPORTS

There were no Board reports at this time.

4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board replaced Item 8.B.7.d., Set Date for Public Hearing to Consider Adoption of an Ordinance Creating the Watkins Centre Community Development Authority; replaced Item 14.A., Resolution Recognizing the Contributions of Former Superintendent of Chesterfield County Public Schools, Dr. Billy Cannaday; and adopted the Agenda, as amended.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

5. RESOLUTIONS

5.A. RECOGNIZING MR. SAM DICKENSON FOR HIS OUTSTANDING CUSTOMER SERVICE

Mr. Kappel introduced Mr. Sam Dickenson who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Sam Dickenson is a Chesterfield County resident who lives in the Bensley community; and

WHEREAS, Mr. Dickenson is a married senior citizen with three children and nine grandchildren; and

WHEREAS, Mr. Dickenson served for years as a Chesterfield County volunteer fire fighter with Company 3; and

WHEREAS, Mr. Dickenson is the recipient of the 2006 Easy to Love Customer Service Award, presented by the Richmond Metropolitan Convention and Visitors Bureau; and

WHEREAS, Mr. Dickenson was recognized for excellence in customer service as a front line staff member at the Holiday Inn Koger South Conference Center; and

WHEREAS, Mr. Dickenson first worked at the Holiday Inn Koger South Conference Center when he went to assist his daughter, the front office manager; and stayed on ever since; and

WHEREAS, Mr. Dickenson has been employed at the Holiday Inn Koger South Conference Center for eight years; and

WHEREAS, previously, Mr. Dickenson was employed by Ukrop's, from which he retired; and

WHEREAS, Mr. Dickenson has demonstrated such excellence in customer service that guests have completed comment cards and made telephone calls to show their appreciation; and

WHEREAS, Mr. Dickenson is frequently praised for going above and beyond customers' expectations; and

WHEREAS, it is appropriate to recognize Mr. Dickenson for providing the kind of exemplary customer service that makes visitors to the Richmond region, and to Chesterfield County, leave with a positive impression.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, publicly recognizes Mr. Sam Dickenson for his outstanding customer service at the Holiday Inn Koger South Conference Center.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Dickenson and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

Mr. King presented the executed resolution to Mr. Dickenson, accompanied by his daughters, and commended him on his outstanding customer service.

Mr. Dickenson's daughters, Mrs. Diann Delapena and Mrs. Tammy Talley, thanked their dad for being a role model for customer service.

Mr. Dickenson thanked the manager and owner of Holiday Inn Koger South for giving him the opportunity to serve others.

5.B. RECOGNIZING RJ SMITH CONSTRUCTION, INCORPORATED AS THE COUNTY'S 2006 FIRST CHOICE BUSINESS OF THE YEAR

Ms. McClintic introduced Mr. Richard Smith who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Board of Supervisors established a Business Awards Program to recognize existing businesses within the county that contribute to the county's economy and its citizens; and

WHEREAS, RJ Smith Construction, Incorporated is located at 1711 Reymet Road and employs approximately 256 employees; and

WHEREAS, RJ Smith Construction, an 11-year old diversified construction company headed up by its founder Richard E. Smith, provides general contracting services, site and utility work, demolition, concrete and road construction; and

WHEREAS, in an industry that has seen slower use of technology, innovation is a category in which RJ Smith Construction has excelled; and

WHEREAS, the company uses technology to its competitive advantage, with state-of-the-art estimating and accounting software, which is integrated to give its managers a very efficient process in assessing project costs, bidding, and managing their projects profitably; and

WHEREAS, in an effort to support the community, RJ Smith donates each year to local needs such as the local 4-H Club, the Central Virginia Food Bank, Elder Homes and SCAN (Stop Child Abuse Now); and

WHEREAS, RJ Smith Construction values its employees by offering top-notch benefits, featuring a 100 percent match of all 401K savings, and providing annual bonuses and tuition reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, hereby expresses its gratitude on behalf of the county to RJ Smith Construction, Incorporated for its many contributions by recognizing it as the 2006 First Choice Business of the Year.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to RJ Smith Construction, Incorporated and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Mr. Smith and congratulated RJ Smith Construction on its selection as the 2006 First Choice Business of the Year.

Mr. Smith expressed appreciation to the Board for the recognition and to the employees of RJ Smith Construction for making this honor possible.

5.C. RECOGNIZING AUSTIN BROCKENBROUGH AND ASSOCIATES AS THE COUNTY'S 2006 SPECIAL AWARD WINNER FOR COMMUNITY SERVICE

Ms. McClintic introduced Mr. Gerald Augst, Mr. Bruce Sadler and Ms. Suzanne Wolfe, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Board of Supervisors established a Business Awards Program to recognize existing businesses within the County that contribute to the County's economy and its citizens; and

WHEREAS, Austin Brockenbrough and Associates is a 50-year-old, multi-disciplined consulting engineering firm located at 4800 West Hundred Road in Chester and employs 37 individuals; and

WHEREAS, Austin Brockenbrough and Associates provides mechanical, electrical and structural engineering to various government agencies, land developers, commercial businesses, architects and other engineers; and

WHEREAS, Austin Brockenbrough is very active in the community, sponsoring bi-monthly blood drives, supporting the county's Christmas Mother program, and mentoring at Harrowgate Elementary and L.C. Bird High School with their Pre-Engineering Program; and

WHEREAS, in an effort to celebrate their 50th anniversary in the community, Austin Brockenbrough decided to mark this milestone with a significant contribution, and its staff spearheaded construction of an eight-mile fitness trail within the county's Government Center Trails Demonstration Project, providing all the surveying and engineering services at no cost while recruiting and training ten students from L.C. Bird to participate in the project.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, hereby expresses its gratitude on behalf of the county to Austin Brockenbrough and Associates for its many contributions by recognizing it as the 2006 Special Recognition Award Winner for Community Service.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Austin Brockenbrough and Associates and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Mr. Augst, accompanied by Mr. Sadler and Ms. Wolfe, and congratulated the firm on its selection as the 2006 Special Recognition Award Winner for Community Service.

Mr. Augst expressed appreciation to the Board for the recognition, on behalf of the employees of Austin Brockenbrough.

**5.D. RECOGNIZING MR. CHRISTOPHER WILSON UPON HIS SELECTION
TO JOIN THE UNITED STATES SECRET SERVICE**

Mr. Kappel introduced Mr. Christopher Wilson who was present to receive the resolution:

On motion Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following resolution.

WHEREAS, Mr. Christopher Brendan Wilson is a resident of the Clover Hill Magisterial District; and

WHEREAS, Mr. Wilson attended Appalachian State University, the University of North Carolina at Asheville, and Virginia Commonwealth University; and

WHEREAS, Mr. Wilson has served in various components of the Armed Forces for the past 16-1/2 years and been deployed to Operations Desert Shield, Desert Storm, Desert Fox, Embassy Bombing in Nairobi, Kenya; and

WHEREAS, Mr. Wilson has also served in various capacities with the Virginia Army National Guard from April 2001 until the present, including Operation Noble Eagle on September 11, 2001, Operation Iraqi Freedom, and Hurricane Katrina relief, and is currently a Staff Sergeant in the 2/183rd Cavalry, Dismounted Reconnaissance Team, Virginia Army National Guard; and

WHEREAS, Mr. Wilson has most recently worked as a Radiological Emergency Preparedness Planner with the Virginia Department of Emergency Management and worked on developing policies and procedures of sensitive security matters; and

WHEREAS, Mr. Wilson's exemplary and varied service to his nation will add a new chapter, as he has been selected for employment with the United States Secret Service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, publicly recognizes the sacrifice and courage of Mr. Christopher Brendan Wilson during his military service, and also recognizes his service with the Virginia Department of Emergency Management; congratulates him on being selected to join the United States Secret Service, and wishes him good health and good fortune as he continues his service to his country in this new endeavor.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

Mr. Warren presented the executed resolution to Mr. Wilson, commended him on his extraordinary service, and wished him well in his new career.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of the Interim District Supervisor, and members to serve on the Capital Area Policy Board, Camp Baker Management Board and the Youth Services Citizen Board.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.A.2. CAPITAL AREA POLICY BOARD

On motion of Mr. King, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. Millard D. "Pete" Stith to serve on the Capital Area Policy Board, whose term will be at the pleasure of the Board.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.A.3. CAMP BAKER MANAGEMENT BOARD

On motion of Mr. King, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. Charles K. (Ken) Childers, representing the Matoaca District, to serve on the Camp Baker Management Board, whose term is effective immediately and expires April 30, 2009.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.A.4. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. King, seconded by Mr. Miller, the Board simultaneously nominated/appointed/reappointed the following youth members to service on the Youth Services Citizen Board, whose terms are effective immediately and expire June 30, 2007:

<u>Name</u>	<u>District</u>
Mr. Samori Robinson	Bermuda District
Ms. Nicole Lawrence	Clover Hill District
Mr. Andrew Deitrick	Clover Hill District
Ms. Molly Underwood	Clover Hill District
Mr. Cody Danford	Matoaca District

Mr. Jamie Brindle	Matoaca District
Ms. Adriana Brown	Matoaca District
Ms. Sarah Hill	Dale District
Ms. Crystal Thornhill	Dale District
Ms. Loren Murphy	Dale District

And further, the Board simultaneously nominated/appointed the following adult members to serve on the Youth Services Citizen Board whose terms are effective immediately:

<u>Name</u>	<u>District</u>	<u>Term Expiration</u>
Ms. Carol Cosby-Tillar	Bermuda District	6/30/2007
Ms. Deloris Jordan	Matoaca District	6/30/2007
Ms. Barbara Mait	Dale District	6/30/2009

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.A.1. INTERIM MIDLOTHIAN DISTRICT SUPERVISOR

Mr. King stated the Board has worked very hard to reach a conclusion regarding the Interim Midlothian Supervisor.

Mrs. Humphrey nominated Ms. Terri Cofer Beirne as Interim Midlothian Supervisor.

Mr. Miller seconded the nomination.

There were no additional nominations.

On motion of Mr. Warren, seconded by Mr. King, the Board closed the nominations for Interim Midlothian Supervisor.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

On motion of Mr. King, seconded by Mr. Warren, the Board simultaneously nominated/appointed Ms. Terri Cofer Beirne as Interim Midlothian Supervisor.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

Ms. Beirne stated she is honored to be selected to represent her neighbors in the Midlothian District. She thanked the Board for its vote of confidence and stated she looks forward to serving until the November election.

Mr. King presented Ms. Beirne with a small memento from the Gravesham, England visit.

Mrs. Humphrey welcomed Ms. Beirne to the Board.

Mr. Warren stated he was very impressed with Ms. Beirne's presentation to the Board, as well as her experience in a variety of areas.

Mr. Miller welcomed Ms. Beirne and stated he looks forward to working with her.

Mr. King invited Ms. Beirne to have dinner with the Board following the afternoon session. He thanked her for her willingness to serve the residents of Midlothian and also expressed appreciation, on behalf of the Board, to all of the candidates who made themselves available for public service.

8.B. CONSENT ITEMS

8.B.1. APPROVAL OF POLICE MUTUAL AID JOINT AVIATION AGREEMENT BETWEEN CHESTERFIELD COUNTY, HENRICO COUNTY AND THE CITY OF RICHMOND

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the County Administrator or his designee to execute a Police Mutual Aid Joint Aviation Agreement, on behalf of the county, between Chesterfield County, Henrico County and the City of Richmond.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.2. ADOPTION OF RESOLUTIONS

8.B.2.a. RECOGNIZING DEPUTY JUDITH L. HOWINGTON, SHERIFF'S OFFICE, UPON HER RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Ms. Judith L. Howington began working for the Chesterfield County Sheriff's Office on April 28, 1986 and has served with distinction in her assigned responsibilities at the jail during her entire career; and

WHEREAS, Deputy Howington's original assignment was to the Chesterfield County Jail kitchen as a supervisor, a position she held with distinction for ten years; and

WHEREAS, in 1996 Deputy Howington accepted an assignment to the Quartermaster Unit, with daily responsibilities including the laundry operation, female clothing exchange, and other duties as assigned; and

WHEREAS, during her assignment to the Quartermaster Unit, Deputy Howington has received several commendations for her work and that of the inmates under her supervision; and

WHEREAS, although Deputy Howington's primary responsibility was the Quartermaster Section, she willingly accepted the additional responsibility for supervising the clean-up detail assigned to the replacement jail during the transition period, which she performed in an extremely exceptional manner and one for others to emulate.

NOW, THEREFORE BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Deputy Judith L. Howington, expresses the appreciation of all citizens of Chesterfield County for her dedicated and loyal service, and extends appreciation for her service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.2.b. RECOGNIZING MRS. CAROLE TYREE, SOCIAL SERVICES
DEPARTMENT, UPON HER RETIREMENT**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mrs. Carole Tyree began her tenure of public service with Chesterfield County as a Clerk Typist in the Department of Social Services on September 15, 1980; and

WHEREAS, as a member of the Financial Management Team, Mrs. Tyree coordinated the timely and accurate issuance of food stamp benefits to our customers and prepared various statistical reports; and

WHEREAS, Mrs. Tyree played an integral role in the conversion from paper food stamp coupons to electronic benefits; and

WHEREAS, throughout her career Mrs. Tyree has been a dedicated and committed employee whose efforts have aided the Department of Social Services in meeting the needs of the citizens of Chesterfield and Colonial Heights.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Carole Tyree, expresses the appreciation of all residents for her service to the county, and extends congratulations upon her retirement and best wishes for a long and happy retirement.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.2.c. RECOGNIZING BATTALION CHIEF SCOTT E. COOPER,
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Battalion Chief Scott E. Cooper will retire from the Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2006; and

WHEREAS, Battalion Chief Cooper attended Recruit School #10 in 1979 and has faithfully served the county for over 27 years in various assignments as a firefighter at Bon Air Fire Station #4, Buford Road Fire Station #9 and Manchester Fire Station #2; as a sergeant at Dutch Gap Fire Station #14, Wagstaff Fire Station #10 and Manchester Fire Station #2; as a lieutenant and then a captain at the Airport Fire Station #15; as a Senior Captain at the Training and Safety Division; as an operational Battalion Chief in the Northern Battalion; as a Support Services Division Chief for the Maintenance and Logistics Division; and as an Assistant Emergency Operations Center Manager; and

WHEREAS, in November 1985, Battalion Chief Cooper was selected as Firefighter of the Year; and

WHEREAS, in October 1995, Battalion Chief Cooper was recognized with an EMS Unit Citation for the extraction and rescue of a patient that was trapped in a vehicle which had struck a tree; and

WHEREAS, Battalion Chief Cooper assisted in the development of the Below-grade Rescue Program, Officer Development Program I, Class A Foam Program, and National Incident Management System (NIMS) Program; and

WHEREAS, as the Chief of the Maintenance and Logistics Division, Battalion Chief Cooper oversaw the construction of new fire stations, the design of new Fire/EMS apparatus, and the ordering of supplies and outfitting all Fire/EMS members; and

WHEREAS, in June 2002, Battalion Chief Cooper graduated from the National Fire Academy, Executive Fire Officer Program.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Battalion Chief Scott E. Cooper, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.2.d. RECOGNIZING SERGEANT KENNETH W. BALLAS, SHERIFF'S OFFICE, UPON HIS RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Sergeant Kenneth Wayne Ballas has served the citizens of the Commonwealth of Virginia for the past thirty-three years and the citizens of Chesterfield County since November 16, 1990; and

WHEREAS, during his time with Chesterfield County Sheriff's Office, Sergeant Ballas has served with distinction in his assignments as Director of the Personnel and Training Sections, Shift Sergeant, and Quartermaster Sergeant; and

WHEREAS, Sergeant Ballas' dedication and commitment was the driving force in the Sheriff's Office Training Academy receiving initial accreditation by the Virginia Department of Criminal Justice Services; and

WHEREAS, Sergeant Ballas' primary responsibility has been the supervision and management of the Quartermaster and Property Section for the past six years, and he has willingly accepted the additional responsibilities of serving on the committee implementing the Objective Jail Classification standards now utilized at the jail for the management of the inmate population and also served with distinction on the Transition Team for the new jail; and

WHEREAS, Sergeant Ballas' dedication and service to the citizens of Chesterfield County has been recognized on numerous occasions with various letters of commendation and appreciation, as well as his selection on two occasions as the Sheriff's Office Employee of the Quarter.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Sergeant Kenneth Wayne Ballas, expresses the appreciation of all county citizens for his dedicated and loyal service, congratulates him on his retirement and offers best wishes for a long and happy retirement.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.2.e. RECOGNIZING LIEUTENANT MICHAEL D. MARRION, POLICE DEPARTMENT, UPON HIS RETIREMENT RECOGNIZING LIEUTENANT GARY L. SIMS, POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Lieutenant Michael D. Marrion will retire from the Chesterfield County Police Department on August 1, 2006, after providing 25 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Lieutenant Marrion has faithfully served the county in the capacity of Patrol Officer, Sergeant, and Lieutenant; and

WHEREAS, Lieutenant Marrion was selected as "Officer of the Year" for 1986; and

WHEREAS, during his tenure, Lieutenant Marrion has served as Academy Training Officer, K-9 Handler, SWAT Team member and Special Response Unit member; and

WHEREAS, Lieutenant Marrion was commended for his outstanding performance of duty during an explosion and fire at the Vepco Power Plant, where along with other officers, he entered the plant after the explosion to locate injured persons while the fire was still raging and the heat was very intense; and

WHEREAS, Lieutenant Marrion, while at the rank of Sergeant, served as Incident Commander when a fellow officer was shot and seriously wounded; and as the Incident Commander, ensured that all the logistics of the situation were handled properly and professionally; and

WHEREAS, Lieutenant Marrion led the first Chesterfield Police contingent to Mississippi in support of relief efforts resulting from the devastation of Hurricane Katrina; and

WHEREAS, Lieutenant Marrion has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Lieutenant Marrion has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Lieutenant Marrion's diligent service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Lieutenant Michael D. Marrion, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.2.f. RECOGNIZING AUGUST 1, 2006, AS "NATIONAL NIGHT OUT"

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, each year in August, communities across the nation band together to demonstrate their unity in the fight against crime; and

WHEREAS, this show of solidarity by law-abiding citizens has been named "National Night Out"; and

WHEREAS, the National Night Out event taking place on August 1, 2006 will be the 22nd annual event of this type; and

WHEREAS, last year's National Night Out campaign involved citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 10,000 communities in 50 states, U.S. territories, Canadian cities and military bases worldwide; and

WHEREAS, National Night Out is designed to heighten crime and drug prevention awareness; and

WHEREAS, this event also generates support for, and participation in, local anti-crime programs; and

WHEREAS, National Night Out strengthens neighborhood spirit and the relationships between police and the communities; and

WHEREAS, these events send a message to criminals that the communities are organized and fighting back against crime; and

WHEREAS, Chesterfield County has as one of its strategic goals: "To be the safest and most secure community"; and

WHEREAS, National Night Out is an important component in the effort to achieve that goal.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby recognizes August 1, 2006, as "National Night Out" in Chesterfield County, Virginia;

thanks police, neighborhood watch groups and all others who have joined to prevent crime; and urges all residents and businesses in Chesterfield County to turn on their porch lights and other exterior lights and to gather with friends and neighbors on August 1, 2006 to demonstrate their unity in the fight against crime.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.3. STATE ROAD ACCEPTANCE

On motion Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, Secondary System, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Millcrest at Brandermill**

● **Millhouse Lane, State Route Number: 7076**

From: Watermill Py., (Rt. 5583)

To: Millcrest Tr., (Rt. 7077), a distance of: 0.04 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 50 feet

● **Millcrest Terrace, State Route Number: 7077**

From: Millhouse Ln., (Rt. 7076)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 45 feet

● **Millcrest Terrace, State Route Number: 7077**

From: Millhouse Ln., (Rt. 7076)
To: 0.14 mi. N of Millhouse Ln., (Rt. 7076), a distance of: 0.14 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,
with a width of 45 feet

● **Millcrest Terrace, State Route Number: 7077**

From: 0.14 mi. N of Millhouse Ln., (Rt. 7076)
To: 0.19 mi. N of Millhouse Ln., (Rt. 7076), a distance of: 0.05 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,
with a variable width

● **Millcrest Terrace, State Route Number: 7077**

From: 0.19 mi. N of Millhouse Ln., (Rt. 7076)
To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,
with a width of 45 feet

And further the Board adopted the following resolution:

WHEREAS, the street described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Old Creek West, Section 10

● **West Road, State Route Number: 837**

From: 0.01 mi. W of West Cir., (Rt. 4044)
To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 5/24/2005 with the Office Of Clerk To Circuit Court in Pb. 154, Pg. 40,
with a width of 50 feet

And further the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition
Basis for Change: **Addition, Secondary System, New subdivision street**
Statutory Reference: **§33.1-229**
Project: **Bayhill Pointe, Section 16**

● **Longfellow Drive, State Route Number: 5067**

From: 0.03 mi. E of Longfellow Ct., (Rt. 5492)
To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 50 feet

● **Longfellow Place, State Route Number: 5492**

From: 0.03 mi. S of Longfellow Dr., (Rt. 5067)
To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 40 feet

● **Battlecreek Drive, State Route Number: 5013**

From: 0.03 mi. E of Hollow Oak Dr., (Rt. 5597)
To: Bailey Creek Rd., (Rt. 7088), a distance of: 0.11 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 80 feet

● **Battlecreek Drive, State Route Number: 5013**

From: Bailey Creek Rd., (Rt. 7088)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 80 feet

● **Bailey Creek Road, State Route Number: 7088**

From: Battlecreek Dr., (Rt. 5013)

To: Sugar Hill Dr., (Rt. 5593), a distance of: 0.09 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 44 feet

● **Sugar Hill Drive, State Route Number: 5593**

From: 0.05 mi. E of Sugar Hill Ct., (Rt. 5594)

To: Bailey Creek Rd., (Rt. 7088), a distance of: 0.04 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 44 feet

● **Sugar Hill Drive, State Route Number: 5593**

From: Bailey Creek Rd., (Rt. 7088)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 44 feet

● **Bailey Creek Road, State Route Number: 7088**

From: Sugar Hill Dr., (Rt. 5593)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 44 feet

● **Sugar Hill Court, State Route Number: 5594**

From: 0.03 mi. N of Sugar Hill Dr., (Rt. 5593)

To: Cul-de-sac, a distance of: 0.01 miles.

Right-of-way record was filed on 10/7/2005 with the Office Of Clerk To Circuit Court in Pb. 158 Pg. 65,
with a width of 44 feet

And further the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, Secondary System, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Charter Club Drive**

● **Charter Club Drive, State Route Number: 7064**

From: Charter Colony Py., (Rt. 950)

To: Temp EOM, a distance of: 0.05 miles.

Right-of-way record was filed on 6/5/2003 with the Office Of Clerk To Circuit Court in Db. 5137 Pg. 928,

with a width of 60 feet

And further the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, Secondary System, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Edgewater at the Reservoir, Section 5**

● **Waters Shore Drive, State Route Number: 5856**

From: Tidal Dr., (Rt. 5855)

To: Cove View Ln., (Rt. 7053), a distance of: 0.03 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,

with a width of 45 feet

● **Waters Shore Drive, State Route Number: 5856**

From: Cove View Ln., (Rt. 7053)

To: Cove View Ln., (Rt. 7053), a distance of: 0.10 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Cove View Lane, State Route Number: 7053**

From: Waters Shore Dr., (Rt. 5856)

To: Wave Ln., (Rt. 7052), a distance of: 0.05 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Cove View Lane, State Route Number: 7053**

From: Wave Ln., (Rt. 7052)

To: Temp EOM, a distance of: 0.01 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Wave Lane, State Route Number: 7052**

From: Cove View Ln., (Rt. 7053)

To: Windjammer Dr., (Rt. 5853), a distance of: 0.01 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 40 feet

● **Wave Lane, State Route Number: 7052**

From: Windjammer Dr., (Rt. 5853)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 40 feet

● **Windjammer Drive, State Route Number: 5853**

From: Wave Ln., (Rt. 7052)

To: Tidal Dr., (Rt. 5855), a distance of: 0.13 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Cove View Lane, State Route Number: 7053**

From: Waters Shore Dr., (Rt. 5856)

To: Cove View Cr., (Rt. 7054), a distance of: 0.12 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Cove View Lane, State Route Number: 7053**

From: Cove View Cr., (Rt. 7054)

To: Cove View Cr., (Rt. 7054), a distance of: 0.01 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

● **Cove View Circle, State Route Number: 7054**

From: Cove View Ln., (Rt. 7053)

To: Cove View Ln., (Rt. 7053), a distance of: 0.04 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a variable width

● Cove View Lane, State Route Number: 7053

From: Cove View Cr., (Rt. 7054)

To: Waters Shore Dr., (Rt. 5856), a distance of: 0.03 miles.

Right-of-way record was filed on 1/7/2003 with the Office Of Clerk To Circuit Court in Pb. 131 Pg. 19,
with a width of 45 feet

And further the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, Secondary System, New subdivision street

Statutory Reference: §33.1-229

Project: Hartley Village

● Vincent Lane, State Route Number: 7069

From: Coalfield Rd., (Rt. 754)

To: Bach Tr., (Rt. 7070), a distance of: 0.10 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● Bach Terrace, State Route Number: 7070

From: Vincent Ln., (Rt. 7069)

To: Cul-de-sac, a distance of: 0.12 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● Bach Lane, State Route Number: 7072

From: Vincent Ln., (Rt. 7069)

To: Bach Ct., (Rt. 7071), a distance of: 0.06 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Bach Court, State Route Number: 7071**

From: Bach Ln., (Rt. 7072)

To: Cul-de-sac, a distance of: 0.01 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Bach Lane, State Route Number: 7072**

From: Bach Ct., (Rt. 7071)

To: Lothian Tl., (Rt. 7073), a distance of: 0.07 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Lothian Trail, State Route Number: 7073**

From: Bach Ln., (Rt. 7072)

To: Coalfield Rd., (Rt. 754), a distance of: 0.05 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Lothian Trail, State Route Number: 7073**

From: Bach Ln., (Rt. 7072)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Vincent Lane, State Route Number: 7069**

From: Bach Tr., (Rt. 7070)

To: Gravatt Wy., (Rt. 7074), a distance of: 0.07 miles.

Right-of-way record was filed on 8/1/2003 with the Office Fo Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Gravatt Way, State Route Number: 7074**

From: Vincent Ln., (Rt. 7069)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Gravatt Way, State Route Number: 7074**

From: Vincent Ln., (Rt. 7069)

To: Gravatt Ct., (Rt. 7075), a distance of: 0.10 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Gravatt Way, State Route Number: 7074**

From: Gravatt Ct., (Rt. 7075)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 8/1/2003 with the Office Fo Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

● **Gravatt Court, State Route Number: 7075**

From: Gravatt Wy., (Rt. 7074)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 8/1/2003 with the Office Of Clerk To Circuit Court in Pb. 135 Pg. 64,
with a width of 44 feet

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**8.B.4. DONATION OF SURPLUS MICROTURBINE TO THE UNIVERSITY
OF VIRGINIA SCHOOL OF ENGINEERING FOR USE IN
EDUCATION AND RESEARCH**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved the donation of a surplus microturbine to the University of Virginia School of Engineering for use in education and research.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**8.B.5. AUTHORIZATION TO AMEND THE COUNTY'S FISCAL SERVICES
AGREEMENT WITH THE GREATER RICHMOND CONVENTION
CENTER AUTHORITY**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board granted the County Administrator permission to amend the Fiscal Services Agreement with the Greater Richmond Convention Center Authority. (It is noted a copy of the amended agreement is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**8.B.6. APPROVAL OF FY2007 CHESTERFIELD COMMUNITY SERVICES
BOARD PERFORMANCE CONTRACT**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved the FY2007 Performance Contract between the Chesterfield Community Services Board and the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.7. SET PUBLIC HEARING DATES

**8.B.7.a. TO CONSIDER AN ORDINANCE CHANGING THE POLLING PLACE
FOR BELLWOOD VOTING PRECINCT IN BERMUDA DISTRICT
AND FOR CRANBECK VOTING PRECINCT IN MIDLOTHIAN
DISTRICT**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date August 23, 2006 at 7:00 p.m. for a public

hearing for the Board to consider an ordinance changing the polling place for Bellwood Voting Precinct in Bermuda District and for Cranbeck Voting Precinct in Midlothian District.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.7.b. TO CONSIDER AN ORDINANCE AMENDING SECTION 6-26 OF THE COUNTY CODE TO LIMIT THE BUSINESS LICENSE TAXES OF GASOLINE RETAILERS FOR GAS PRICE HIKE CAUSED BY NATURAL DISASTERS

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of August 23, 2006 at 7:00 p.m. for a public hearing for the Board to consider an ordinance amending section 6-26 of the County Code to limit the business license taxes of gasoline retailers for gas price hikes caused by natural disasters.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.7.c. TO CONSIDER THE ACCEPTANCE AND APPROPRIATION OF FUNDS FROM POWHATAN COUNTY AND UPON APPROVAL AWARD A CONSTRUCTION CONTRACT FOR THE POWHATAN WATER LINE PROJECT ALONG MIDLOTHIAN TURNPIKE

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of August 23, 2006 at 7:00 p.m. for a public hearing for the Board to consider the acceptance and appropriation of \$1,112,937.98 from Powhatan County; upon approval of the funding, award of a construction contract to Godsey and Son, Incorporated in the amount of \$892,608.80 for the Powhatan Water Line Project along Midlothian Turnpike; and authorization for the County Administrator to execute all necessary documents.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.7.d. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING THE WATKINS CENTRE COMMUNITY DEVELOPMENT AUTHORITY

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of August 23, 2006 at 7:00 p.m. for a public hearing for the Board to consider adoption of an ordinance creating the Watkins Centre Community Development Authority.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.7.e. TO REVISE THE SALES TERMS FOR PROPERTY WHICH THE COUNTY HAS CONTRACTED TO SELL TO THE HEALTH CENTER COMMISSION

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of August 23, 2006 at 7:00 p.m. for a public hearing for the Board to consider revising the sales terms

for property which the county has contracted to sell to the Health Center Commission.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.7.f. TO CONSIDER ZONING ORDINANCE AMENDMENTS RELATING TO DWELLING UNIT USES IN THE O-1 DISTRICT LOCATED IN THE VILLAGES OF ETTRICK AND MATOACA

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of August 23, 2006 at 7:00 p.m. for a public hearing for the Board to consider zoning ordinance amendments relating to dwelling unit uses in the O-1 District located in the Villages of Ettrick and Matoaca.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.8. APPROPRIATION OF ADDITIONAL REVENUE AND EXPENDITURES FOR THE FY2007 BUDGET OF THE PART C EARLY INTERVENTION PROGRAM

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board appropriated an additional \$139,740 in revenue and expenditures and created two full time positions for the Chesterfield Community Services Board Part C program.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.9. APPROPRIATION OF ADDITIONAL STATE REVENUE AND EXPENDITURES FOR THE CHESTERFIELD COMMUNITY SERVICES BOARD FY2007 BUDGET

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board appropriated an additional \$110,000 in revenue and expenditures and established one new full time position for the FY2007 Chesterfield Community Services Board Child and Adolescent Team (CAST) Program.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.10. AWARD OF CONSTRUCTION CONTRACT FOR THE CHALKLEY ROAD, NORTH OF WELLINGTON FARMS, SAFETY PROJECT

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the County Administrator to award a construction contract for Chalkley Road, North of Wellington Farms, Safety Project, in the amount of \$210,380, to Dwight Snead Construction.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**8.B.11. DESIGNATION OF A VIRGINIA DEPARTMENT OF
TRANSPORTATION SLOPE AND DRAINAGE EASEMENT FOR
WINDMILL RIDGE DRIVE**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board designated a Virginia Department of Transportation slope and drainage easement for Windmill Ridge Drive and authorized the County Administrator to execute the Declaration. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.12.a. CONVEYANCE OF EASEMENTS TO VERIZON VIRGINIA
INCORPORATED**

**8.B.12.a.1. FOR THE PLACEMENT OF A NEW EQUIPMENT CABINET TO
EXPAND SERVICE TO THE AIRPORT AREA**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Verizon Virginia, Incorporated for the placement of a new equipment cabinet to expand service to the airport area. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.12.a.2. TO INSTALL UNDERGROUND CABLE ACROSS COUNTY
PROPERTY TO SERVE THE CELL TOWER SITE AT
MEADOWBROOK HIGH SCHOOL**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Verizon Virginia Incorporated to install underground cable across county property to service the cell tower site at Meadowbrook High School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.12.a.3. TO INSTALL UNDERGROUND CABLE ACROSS COUNTY
PROPERTY TO SERVE THE CELL TOWER SITE AT THE
UNION BRANCH ELEMENTARY SCHOOL**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Verizon Virginia Incorporated to install underground cable across county property to service the cell tower site at the Union Branch Elementary School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.12.a.4. TO VIRGINIA ELECTRIC AND POWER COMPANY TO PROVIDE SERVICE TO THE BAILEY BRIDGE PUMP STATION'S CORROSION CONTROL FACILITY

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground and overhead facilities to provide service to the Bailey Bridge Pump Station's Corrosion Control Facility. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.12.b. TO JEFFERSON GREEN, A VIRGINIA GENERAL PARTNERSHIP, TO INSTALL DRAINAGE FACILITIES ON COUNTY PROPERTY AT WATKINS ANNEX-CONNECTIONS ACADEMY

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a drainage agreement and maintenance contract to install drainage facilities on county property at Watkins Annex-Connections Academy. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.13 ACCEPTANCE OF PARCELS OF LAND

8.B.13.a. ALONG THE EAST RIGHT OF WAY LINE OF BUFORD ROAD FROM THE TRUSTEES OF BON AIR CHRISTIAN CHURCH

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land containing a total of 0.029 acres along the east right of way line of the Buford Road (State Route 678) from the Trustees of Bon Air Christian Church and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.13.b. FOR THE EXTENSION OF DEERHILL ROAD AND DEERTREE PLACE FROM CLOVERHILL INDUSTRIAL PARK, INCORPORATED

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted a parcel of land containing 1.604 acres for the extension of Deerhill Road and Deertree Place from Cloverhill Industrial Park, Incorporated and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.13.c. ALONG THE SOUTH RIGHT OF WAY LINE OF EAST HUNDRED ROAD FROM CONVERSION PROPERTIES, LLC

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted a parcel of land along the south right of way line of East Hundred Road (State Route 10) from Conversion Properties, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.13.d. ALONG THE EAST RIGHT OF WAY LINE OF EAST HUNDRED ROAD FROM D. C. ASSOCIATES

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land containing a total of 0.140 acres along the east right of way of East Hundred Road (State Route 10) from D. C. Associates and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.13.e. ALONG THE SOUTH RIGHT OF WAY LINE OF WEST HUNDRED ROAD FROM SCHOOLHOUSE, LLC

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land along the south right of way line of West Hundred Road (State Route 10) from Schoolhouse, LLC and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.14. REQUESTS FOR PERMISSION

8.B.14.a. FROM BARTHOL DESIGN ASSOCIATES, P.C. TO INSTALL PRIVATE SEWER AND WATER SERVICES WITHIN PRIVATE EASEMENTS TO SERVE TOWNHOUSES IN THE VILLAS AT DOGWOOD, SECTIONS B AND C

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Barthol Design Associates, P.C. for permission for Dogwood Villas, Incorporated to install private sewer and water services within private easements to serve townhouses in The Villas at Dogwood, Sections B and C, and authorized the County Administrator to execute the sewer and water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.14.b. FROM CAPITOL BUILDERS, INCORPORATED FOR A PROPOSED DECK OVERHANG TO ENCROACH WITHIN A SIXTEEN-FOOT SEWER EASEMENT ACROSS LOT 18, WILLOW CREEK, SECTION 1

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Capital Builders, Incorporated for permission for a proposed deck overhang to encroach within a 16-foot sewer easement across Lot 18, Willow Creek, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.14.c. FROM THOMAS G. COOK TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON BEECHWOOD AVENUE

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Thomas G. Cook for permission to install a private sewer service within a private easement to serve property at 3416 Beechwood Avenue, and authorized the County Administrator to execute the sewer and water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.14.d. FROM JAMES K. AND DONNA D. GARDNER FOR A PROPOSED FENCE TO ENCROACH WITHIN A TWENTY-FIVE-FOOT EASEMENT ACROSS LOT 13, BLOCK F, POWDERHAM, SECTION C

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from James K. and Donna D. Gardner for permission for a proposed fence to encroach within a 25-foot easement across Lot 13, Block F, Powderham, Section C, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

8.B.14.e. FROM LEE G. AND LANA A. PRICE FOR A PROPOSED WOODEN ACCESS BRIDGE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 16, BLOCK J, PENNWOOD, SECTION 7

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Lee G. and Lana A. Price for permission for a proposed wooden access bridge to encroach within a 16-foot drainage easement across Lot 16, Block J, Pennwood, Section 7, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**8.B.14.f. FROM SAINT FRANCIS MOB III, LLC FOR SEGMENTAL
RETAINING WALLS TO ENCROACH WITHIN A SIXTEEN-FOOT
SEWER EASEMENT ACROSS ITS PROPERTY**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Saint Francis MOB III, LLC for permission for segmental retaining walls to encroach within a 16-foot sewer easement across its property, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.14.g. FROM CODY R. AND ELIZABETH A. SUTTON FOR A
PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT
DRAINAGE EASEMENT ACROSS LOT 7, ARMISTEAD VILLAGE,
SECTION B AT CHARTER COLONY**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Cody R. and Elizabeth A. Sutton for permission for a proposed fence to encroach four feet into an 8-foot drainage easement across Lot 7, Armistead Village, Section B at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.14.h. FROM RUBY TRAYLOR PARTIN TO INSTALL A PRIVATE
WATER SERVICE WITHIN A PRIVATE EASEMENT AND
THIRTY-FOOT UNIMPROVED COUNTY RIGHT OF WAY TO
SERVE PROPERTY ON ROCKY MILL ROAD**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a request from Ruby Traylor Partin for permission to install a private water service within a private easement and 30-foot unimproved county right of way to serve property at 6501 Rocky Mill Road, subject to the execution of a license agreement, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**8.B.15. REQUEST TO QUITCLAIM A SIXTEEN-FOOT DRAINAGE
EASEMENT ACROSS THE PROPERTY OF IRONBRIDGE
BOULEVARD, LLC**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot drainage easement across the property of Ironbridge Boulevard, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.16. REFER TO PLANNING COMMISSION AN AMENDMENT TO SECTION 19-637 OF THE ZONING ORDINANCE TO REGULATE THE SIZE OF CERTAIN NON-COMMERCIAL SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board referred a proposed amendment to the Planning Commission to amend Section 19-637 of the County Code to ensure that all signs in agricultural and residential districts are covered by pre-existing size limitations.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.17. AUTHORIZATION FOR T-MOBILE TO APPLY FOR CONDITIONAL USE OR CONDITIONAL USE PLANNED DEVELOPMENT FOR COMMUNICATIONS ANTENNAE TO BE INSTALLED ON COUNTY PROPERTY AT ALBERTA SMITH ELEMENTARY SCHOOL

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized T-Mobile to apply for conditional use or conditional use planned development for communications antennae to be installed on county property at Alberta Smith Elementary School. (It is noted a copy of the site sketch is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.18. AUTHORIZATION FOR CINGULAR TO APPLY FOR CONDITIONAL USE OR CONDITIONAL USE PLANNED DEVELOPMENT FOR A MONOPOLE TOWER AND COMMUNICATIONS ANTENNAE TO BE INSTALLED ON COUNTY PROPERTY AT THE FAIRGROUNDS/SALEM MIDDLE SCHOOL

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board authorized Cingular to apply for conditional use or conditional use planned development for a monopole tower and communications antennae to be installed on county property at the Fairgrounds/Salem Middle School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.19. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.19.a. FROM THE MATOACA DISTRICT IMPROVEMENT FUND

8.B.19.a.1. TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT TO FUND THE DEPARTMENT'S PARTICIPATION IN THE FIREFIGHTER "LOW MAINTENANCE" WORLD CHALLENGE XV IN GAINESVILLE, FLORIDA

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board appropriated \$4,628.74 from the Matoaca District Improvement Fund to the Fire and Emergency Medical Services Department to

fund the Department's Participation in the Firefighter "Low Maintenance" World Challenge XV in Gainesville, Florida.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.19.a.2. TO ENVIRONMENTAL ENGINEERING TO ACQUIRE A DRAINAGE EASEMENT AND CONSTRUCT DRAINAGE IMPROVEMENTS TO ELIMINATE FLOODING PROBLEMS ALONG HICKORY ROAD AND WOODPECKER ROAD

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board appropriated \$7,800 from the Matoaca District Improvement Fund to Environmental Engineering to acquire a drainage easement and construct drainage improvements to eliminating flooding problems along Hickory and Woodpecker Roads.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

8.B.19.b. FROM THE BERMUDA AND MATOACA DISTRICTS TO THE SHEPHERD'S CENTER OF CHESTERFIELD

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board donated a total of \$6,000 (\$3,000 each from the Bermuda and Matoaca District Improvement Funds) to The Shepherd's Center of Chesterfield.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

9. REPORTS

9.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

9.B. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

9.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board accepted the following reports: A Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report on Developer Water and Sewer Contracts.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>ARBOR MEADOWS, SECTION 1</u> (Effective 6/20/2006)	
Arbor Meadows Drive (Route 7033) - From 0.34 mile east of Ironbridge Boulevard to Arbor Meadows Terrace (Route 7034)	0.07 Mi.

Arbor Meadows Drive (Route 7033) - From Ironbridge Boulevard (Route 632) to 0.02 mile east of Ironbridge Boulevard (Route 632)	0.02 Mi.
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Arbor Meadows Drive (Route 7033) - From 0.02 mile east of Ironbridge Boulevard (Route 632) to 0.34 mile east of Ironbridge Boulevard (Route 632)	0.32 Mi.
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Arbor Meadows Terrace (Route 7034) - From Arbor Meadows Drive (Route 7033) to Cul-de-sac	0.07 Mi.
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Arbor Meadows Terrace (Route 7034)- From Arbor Meadows Drive (Route 7033) to Cul-de-sac	0.06 Mi.
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BURLEY RIDGE
(Effective 6/15/2006)

Burley Ridge Lane (Route 5978) - From Longmeadow Circle (Route 5131) to Burley Ridge Terrace (Route 5979)	0.06 Mi.
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Burley Ridge Terrace (Route 5979) - From Burley Ridge Lane (Route 5978) to Cul-de-sac	0.09 Mi.
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Burley Ridge Terrace (Route 5979) - From Burley Ridge Lane (Route 5978) to Cul-de-sac	0.06 Mi.
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Longmeadow Circle (Route 5131)- From 0.02 mile north of Oxley Lane (Route 5756) to Burley Ridge Lane (Route 5978)	0.29 Mi.
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Longmeadow Circle (Route 5131) - From 0.06 mile northeast of Quixton Lane (Route 5755) to Burley Ridge Lane (Route 5978)	0.15 Mi.
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CAMERON BAY, SECTION B
(Effective 6/27/2006)

Cameron Bay Drive (Route 5633) - From Cameron Bridge Drive (Route 5634) to Walking Path Lane (Route 7025)	0.10 Mi.
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Cameron Bay Drive (Route 5633) - From Walking Path Lane (Route 7025) to temporary end of maintenance	0.03 Mi.
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Summerhouse Lane (Route 7028) - From Walking Path Lane (Route 7025) to temporary end of maintenance	0.03 Mi.
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Village School Lane (Route 7027) - From Walking Path Lane (Route 7025) to Cul-de-sac	0.05 Mi.
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Village School Lane (Route 7027) - From Walking Path Lane (Route 7025) to temporary end of maintenance	0.02 Mi.
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Walking Path Court (Route 7026) - From Walking Path Lane (Route 7025) to Cul-de-sac	0.03 Mi.
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Walking Path Lane (Route 7025) - From Summerhouse Lane (Route 7028) to Cul-de-sac	0.08 Mi.
Walking Path Lane (Route 7025) - From Cameron Bay Drive (Route 5633) to Summerhouse Lane (Route 7028)	0.09 Mi.
Walking Path Lane (Route 7025) - From Walking Path Court (Route 7026) to Village School Lane (Route 7027)	0.07 Mi.
Walking Path Lane (Route 7025) - From Cameron Bay Drive (Route 5633) to Walking Path Court (Route 7026)	0.08 Mi.
<u>COLLINGTON, SECTION 1</u> (Effective 6/16/2006)	
Ashleyville Lane (Route 5995) - From Brading Lane (Route 5991) to temporary end of maintenance	0.03 Mi.
Brading Court (Route 5992) - From Brading Lane (Route 5991) to Cul-de-sac	0.03 Mi.
Brading Lane (Route 5991) - From Brading Mews (Route 5997) to temporary end of maintenance	0.01 Mi.
Brading Lane (Route 5991) - From Denby Dale Drive (Route 5990) to Brading Court (Route 5992)	0.05 Mi.
Brading Lane (Route 5991) - From Wivenhaust Road (Route 5994) to Ashleyville Lane (Route 5995)	0.03 Mi.
Brading Lane (Route 5991) - From Parracombe Lane (Route 5996) to Brading Mews (Route 5997)	0.08 Mi.
Brading Lane (Route 5991) - From Brading Court (Route 5992) to Wivenhaust Road (Route 5994)	0.05 Mi.
Brading Lane (Route 5991) - From Ashleyville Lane (Route 5995) to Parracombe Lane (Route 5996)	0.09 Mi.
Brading Mews (Route 5997) - From Brading Lane (Route 5991) to Cul-de-sac	0.05 Mi.
Collington Drive (Route 5989) - From Denby Dale Drive (Route 5990) to temporary end of maintenance	0.15 Mi.
Collington Drive (Route 5989) - From Springford Parkway (Route 5717) to Denby Dale Drive (Route 5990)	0.28 Mi.
Denby Dale Drive (Route 5990) - From Collington Drive (Route 5989) to Brading Lane (Route 5991)	0.06 Mi.
Forest Row Trail (Route 5998) - From Denby Dale Drive (Route 5990) to temporary end of maintenance	0.03 Mi.

Haveridge Drive (Route 5993) - From Wivenhaust Road (Route 5994) to temporary end of maintenance	0.03 Mi.
Haveridge Drive (Route 5993) - From Brading Lane (Route 5991) to Wivenhaust Road (Route 5994)	0.06 Mi.
Parracombe Lane (Route 5996) - From Brading Lane (Route 5991) to temporary end of maintenance	0.03 Mi.
Wivenhaust Road (Route 5994) - From Haveridge Drive (Route 5993) to Brading Lane (Route 5991)	0.06 Mi.
<u>COLLINGTON, SECTION 2</u> (Effective 6/16/2006)	
Brightstone Circle (Route 6001) - From Brightstone Drive (Route 6000) to Cul-del-sac	0.03 Mi.
Brightstone Court (Route 6002) - From Brightstone Drive (Route 6000) to Cul-de-sac	0.06 Mi.
Brightstone Drive (Route 6000) - From Brightstone Court (Route 6002) to Brightstone Mews (Route 6003)	0.05 Mi.
Brightstone Drive (Route 6000) - From Brightstone Mews (Route 6003) to Brightstone Terrace (Route 6004)	0.06 Mi.
Brightstone Drive (Route 6000) - From Brightstone Terrace (Route 6004) to Pembroke Dock Lane (Route 6005)	0.03 Mi.
Brightstone Drive (Route 6000) - From Pembroke Dock Lane (Route 6005) to Cul-de-sac	0.11 Mi.
Brightstone Drive (Route 6000) - From Brightstone Circle (Route 6001) to Brightstone Court (Route 6002)	0.03 Mi.
Brightstone Drive (Route 6000) - From Paddock Wood Drive (Route 5999) to Brightstone Circle (Route 6001)	0.06 Mi.
Brightstone Mews (Route 6003) - From Brightstone Drive (Route 6000) to Cul-de-sac	0.04 Mi.
Brightstone Terrace (Route 6004) - From Brightstone Drive (Route 6000) to Cul-de-sac	0.04 Mi.
Paddock Wood Drive (Route 5999) - From Brightstone Drive (Route 6000) to Collington Drive (Route 5989)	0.10 Mi.
Paddock Wood Drive (Route 5999) - From Springford Parkway (Route 5717) to Brightstone Drive (Route 6000)	0.12 Mi.
Pembroke Dock Lane (Route 6005) - From Brightstone Drive (Route 6000) to temporary end of maintenance	0.03 Mi.

COLLINGTON, SECTION 3
(Effective 6/16/2006)

Collington Court (Route 6009) - From Collington Drive (Route 5989) to temporary end of maintenance 0.02 Mi.

Collington Drive (Route 5989) - From Springford Parkway (Route 5717) to Collington Turn (Route 6006) 0.09 Mi.

Collington Drive (Route 5989) - From Collington Court (Route 6009) to temporary end of maintenance 0.01 Mi.

Collington Drive (Route 5989) - From Collington Turn (Route 6006) to Collington Court (Route 6009) 0.06 Mi.

Collington Turn (Route 6006) - From Collington Drive (Route 5989) to Cul-de-sac 0.07 Mi.

Tealby Court (Route 6008) - From Tealby Drive (Route 6007) to Cul-de-sac 0.05 Mi.

Tealby Drive (Route 6007) - From Tealby Court (Route 6008) to Cul-de-sac 0.10 Mi.

Tealby Drive (Route 6007) - From Collington Drive (Route 5989) to Tealby Court (Route 6008) 0.04 Mi.

ECHO RIDGE, SECTION C
(Effective 6/15/2006)

Echo Ridge Place (Route 3862) - From Liberty Walk Drive (Route 4776) to Cul-de-sac 0.03 Mi.

GENITO ESTATES, SECTION F
(Effective 6/20/2006)

Pease Road (Route 2027) - From 0.09 mile east Of Dew Lane (Route 2030) to Cul-de-sac 0.09 Mi.

HAMPTON PARK, SECTION 19
(Effective 6/15/2006)

Hampton Crossing Drive (Route 5822) - From Hampton Green Drive (Route 5383) to Hampton Valley Drive (Route 5692) 0.11 Mi.

Hampton Crossing Drive (Route 5822) - From Hampton Valley Drive (Route 5692) to Cul-de-sac 0.05 Mi.

Hampton Crossing Drive (Route 5822) - From Hampton Crossing Drive (Route 5822) to Hampton Green Drive (Route 5383) 0.02 Mi.

Hampton Green Drive (Route 5383) - From Hampton Crossing Drive (Route 5822) to 0.13 mile north of Hampton Crossing Drive (Route 5822) 0.13 Mi.

Hampton Valley Drive (Route 5692) - From Hampton Crossing Drive (Route 5822) to 0.03 mile north of Hampton Crossing Drive (Route 5822) 0.03 Mi.

HAMPTON PARK, SECTION 20
(Effective 6/15/2006)

Hampton Crossing Court (Route 5824) - From Hampton Crossing Drive (Route 5822) to Cul-de-sac 0.07 Mi.

Hampton Crossing Drive (Route 5822) - From 0.02 mile west of Hampton Green Drive (Route 5383) to 0.03 mile west of Hampton Crossing Court (Route 5824) 0.01 Mi.

Hampton Crossing Drive (Route 5822) - From Hampton Crossing Court (Route 5824) to 0.03 mile west of Hampton Crossing Court (Route 5824) 0.03 Mi.

Hampton Crossing Place (Route 5823) - From Hampton Crossing Drive (Route 5822) to Cul-de-sac 0.08 Mi.

Hampton Valley Drive (Route 5692) - From Hampton Crossing Drive (Route 5822) to Cul-de-sac 0.08 Mi.

HAMPTON PARK, SECTION 21
(Effective 6/15/2006)

Hampton Crossing Drive (Route 5822) - From Hampton Green Drive (Route 5383) to Hampton Crossing Mews (Route 5910) 0.12 Mi.

Hampton Crossing Drive (Route 5822) - From Hampton Crossing Mews (Route 5910) to 0.04 mile south of Hampton Crossing Mews 0.04 Mi.

Hampton Crossing Mews (Route 5910) - From Hampton Crossing Drive (Route 5822) to Cul-de-sac 0.04 Mi.

Hampton Green Drive (Route 5383) - From 0.19 mile west of Hampton Chase Way (Route 5821) to Hampton Crossing Drive (Route 5822) 0.01 Mi.

Hampton Green Drive (Route 5383) - From Hampton Crossing Drive (Route 5822) to temporary end of maintenance 0.08 Mi.

HAMPTON PARK, SECTION 22
(Effective 6/20/2006)

Hampton Park Circle (Route 7044) - From Hampton Green Drive (Route 5383) to Hampton Green Drive (Route 5383) 0.04 Mi.

Hampton Park Drive (Route 5383) - From Hampton Green Circle (Route 7044) to Cul-de-sac 0.10 Mi.

Hampton Park Drive (Route 5383) - From 0.08 mile south of Hampton Crossing Drive (Route 5822) to Hampton Green Circle (Route 7044) 0.03 Mi.

Hampton Park Drive (Route 5383) - From Hampton Park Circle (Route 7044) to Hampton Park Circle (Route 7044) 0.04 Mi.

QUALLA FARMS, SECTION G
(Effective 6/15/2006)

Burnage Court (Route 7031) - From Stockport Drive (Route 5721) to Cul-de-sac 0.10 Mi.

Dunroming Court (Route 7029) - From Dunroming Drive (Route 5726) to Cul-de-sac 0.03 Mi.

Dunroming Drive (Route 5726) - From Dunroming Court (Route 7029) to Hereld Green Drive (Route 7030) 0.10 Mi.

Dunroming Drive (Route 5726) - From Hereld Green Drive (Route 7030) to Cul-de-sac 0.06 Mi.

Hereld Green Drive (Route 7030) - From Dunroming Drive (Route 5726) to Stockport Drive (Route 5721) 0.19 Mi.

Hereld Green Drive (Route 7030) - From Stockport Drive (Route 5721) to Cul-de-sac 0.21 Mi.

Stockport Drive (Route 5721) - From Burnage Court (Route 7031) to Stockport Court (Route 5724) 0.06 Mi.

Stockport Drive (Route 5721) - From Hereld Green Drive (Route 7030) to Burnage Court (Route 7031) 0.06 Mi.

Stockport Terrace (Route 7032) - From Stockport Drive (Route 5721) to Cul-de-sac 0.03 Mi.

RUTHERFORD VILLAGE OF CHARTER COLONY
(Effective 6/20/2006)

Clemons Drive (Route 5950) - From Rolling Spring Drive (Route 5946) to temporary end of maintenance 0.01 Mi.

Denby Terrace (Route 5949) - From Denby Way (Route 5948) to Cul-de-sac 0.03 Mi.

Denby Terrace (Route 5949) - From Denby Way (Route 5948) to Cul-de-sac 0.08 Mi.

Denby Way (Route 5948) - From Pamplin Drive (Route 5947) to Denby Terrace (Route 5949) 0.14 Mi.

Denby Way (Route 5948) - From Pamplin Drive (Route 5947) to Cul-de-sac 0.02 Mi.

Pamplin Drive (Route 5947) - From Rolling Springs Drive (Route 5946) to Denby Way (Route 5948) 0.04 Mi.

Rolling Springs Drive (Route 5946) - From
Clemons Drive (Route 5950) to temporary end of
maintenance 0.01 Mi.

Rolling Springs Drive (Route 5946) - From
Charter Colony Parkway (Route 950) to Pamplin
Drive (Route 5947) 0.05 Mi.

Rolling Springs Drive (Route 5946)- From
Pamplin Drive (Route 5947) to Clemons Drive
(Route 5950) 0.08 Mi.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED
MATTERS**

MS. EILEEN McAFEE

Ms. Eileen McAfee requested an apology for actions that occurred on April 13, 2005 when she addressed the Board regarding animal treatment at the Chesterfield County Animal Shelter. She inquired why her removal from the meeting was not in the Board minutes and why the videotape of the meeting cannot be located.

MR. GEORGE BEADLES

Mr. George Beadles had requested to address the Board at this time, but was not present to do so.

11. DINNER

On motion of Mr. King, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

Reconvening:

12. INVOCATION

Reverend Steve Farnsworth, Associate Pastor of Grace Alive Outreach Church, gave the invocation.

**13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF
AMERICA**

Eagle Scout Drew Stephen Davis led the Pledge of Allegiance to the flag of the United States of America.

Mr. King announced that Ms. Terri Cofer Beirne was appointed as Interim Midlothian Supervisor at the afternoon session,

and she will be sitting in the supervisor's seat, but will not have a vote tonight.

14. RESOLUTIONS

14.A. RECOGNIZING THE CONTRIBUTIONS OF FORMER SUPERINTENDENT OF CHESTERFIELD COUNTY PUBLIC SCHOOLS, DR. BILLY CANNADAY

Mr. Ramsey introduced Dr. Billy Cannaday, who was present to receive the resolution. He stated he has never worked with anyone that he has more respect and admiration for than Dr. Cannaday.

On motion of Mr. King, seconded by Mr. Miller, the Board adopted the following resolution, as amended:

WHEREAS, Dr. Billy Cannaday was appointed as Superintendent of Chesterfield County Public Schools in July 2000; and

WHEREAS, Dr. Cannaday is a Roanoke native and a graduate of Virginia Tech, where he also received his doctorate; and

WHEREAS, prior to serving as Superintendent of Schools in Chesterfield County, Dr. Cannaday was Superintendent of Schools in Hampton, Virginia for six years; and

WHEREAS, since his appointment in Chesterfield County, Dr. Cannaday has led the largest public school system in the Greater Richmond Metropolitan Area, with more than 57,000 students, 6,962 full-time positions and 59 schools; and

WHEREAS, Dr. Cannaday's leadership and insight have significantly contributed to steady, noteworthy improvement in Chesterfield County's schools, already a nationally-recognized leader among public education institutions; and

WHEREAS, each of the division's comprehensive schools is fully accredited by the Virginia Department of Education; and

WHEREAS, SchoolMatch, a national educational research firm, consistently identifies Chesterfield as one of the top school districts in the nation that has "what parents want"; and

WHEREAS, Dr. Cannaday chairs the Region I Superintendents Group and is a member of the Virginia Department of Education State Superintendent's Advisory Group; and

WHEREAS, Dr. Cannaday is a member of the executive board of the Virginia Association of School Superintendents and was recently named to the Governor's P-16 Education Council; and

WHEREAS, Dr. Cannaday also is a board member of numerous local and state organizations including Communities In Schools of Virginia, the Greater Richmond Community Foundation and the Metropolitan Educational Research Consortium; and

WHEREAS, Dr. Cannaday was named Virginia's Superintendent of the Year for 2005; and

WHEREAS, Dr. Cannaday recently was the Distinguished Leader in Residence at the University of Richmond's Jepson School of Leadership; and

WHEREAS, during Dr. Cannaday's five-year tenure, Chesterfield has engaged in a comprehensive school planning effort aimed at sustaining its current successes while striving for excellence; and

WHEREAS, Dr. Cannaday has coordinated extensively with the county, including Risk Management, Parks and Recreation, Health, Police, (including School Resource Officers) and Fire and Emergency Medical Services, in order to make Chesterfield County schools better and safer; and

WHEREAS, Governor Timothy Kaine has appointed Dr. Billy Cannaday as Virginia's Superintendent of Public Instruction; and

WHEREAS, Dr. Cannaday's insight, leadership and many talents will be missed, but long will be remembered by the Board of Supervisors and the citizens of Chesterfield County, Virginia.

NOW, THEREFORE, BE IT RESOLVED, that on behalf of the grateful citizens of Chesterfield County, the Chesterfield County Board of Supervisors, this 26th day of July 2006, extends to Dr. Billy Cannaday sincerest appreciation for his extraordinary public service, and warmest best wishes for continued success.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mr. King presented the executed resolution and a gift to Dr. Cannaday, and each of the Board members expressed appreciation for his many contributions to the students of Chesterfield County.

Dr. Cannaday expressed appreciation to the Board of Supervisors and the School Board for allowing him to serve his community, and also to his staff for their support. He thanked Mr. Ramsey for his commitment to the county and stated he has enjoyed working with him.

A standing ovation followed.

14.B. RECOGNIZING MR. DREW STEPHEN DAVIS UPON ATTAINING THE RANK OF EAGLE SCOUT

Mr. Kappel introduced Mr. Drew Stephen Davis who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Drew Stephen Davis, Troop 877, sponsored by Chester Presbyterian Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Drew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, publicly recognizes Mr. Drew Stephen Davis, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mr. King presented the executed resolution and patch to Mr. Davis, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Davis expressed appreciation to the Board for the recognition and also to his parents and scoutmasters for their support.

14.C. **RECOGNIZING AUGUST 1-7, 2006, AS "INTERNATIONAL CLOWN WEEK"**

Mr. Kappel introduced the clowns who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, clowns have long been known as ambassadors of joy and goodwill; and

WHEREAS; President Richard M. Nixon issued a proclamation establishing National Clown Week in August 1971; and

WHEREAS, the resolution recognized that clowns bring happiness to children and adults around the world; and

WHEREAS, during the week of August 1 to August 7, 2006, clowns will be participating in special activities to mark "International Clown Week" by sharing laughter, happiness and cheer with those confined to hospitals and nursing homes; and

WHEREAS, during this same period, and every day, clowns will bring their special gift of merriment to activities and communities across the nation; and

WHEREAS, in a world where daily headlines and newscasts can bring news of events around the world that are filled with sadness and tragedy, clowns provide happier times; and

WHEREAS, in recognition of the efforts of all clowns to spread their joy and bring laughter, "International Clown Week" has been proclaimed for the week of August 1-7, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of July 2006, publicly recognizes the special role that clowns play in bringing smiles, hope and joy to millions of people all across the globe, including here in Virginia; wishes clowns everywhere continued merriment, and thanks them for the important role they play in our lives.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mr. Warren presented executed resolutions to Mrs. Virginia "Honeybee" Moore and "Dimples", accompanied by several other clowns, and thanked them for all they do to make people smile.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES
WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE
IS NO OPPOSITION - CASES WHERE THE APPLICANT DOES NOT
ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC
OPPOSITION WILL BE HEARD AT SECTION 17**

06SN0155 (Amended)

In Midlothian Magisterial District, CONTINENTAL 184 FUND LLC requests rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Mr. Turner stated the applicant has requested a deferral until August 23, 2006.

Mr. John Easter, representing the applicant, requested a deferral until August 23, 2006.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board deferred Case 06SN0155 until August 23, 2006.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0234

In Matoaca Magisterial District, ROBERT SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Turner stated the applicant has requested a deferral until August 23, 2006.

Mr. Jim Theobald, representing the applicant, requested a deferral until August 23, 2006.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred Case 06SN0234 until August 23, 2006.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

05SN0238

In Clover Hill Magisterial District, BRACEY, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Convenience Business (C-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 4.2 acres fronting approximately 600 feet on the south line of Genito Road, also fronting approximately 900 feet on the west line of Woolridge Road and located in the southwest quadrant of the intersection of these roads. Tax ID 718-685-8949.

Mr. Turner stated the applicant has requested a deferral until September 27, 2006.

Mr. Harley Joseph, representing the applicant, requested a deferral until September 27, 2006.

Mr. King called for public comment.

Mr. Shawn Clouse, President of Edgewater Section 1 Homeowners Association, stated he does not support a deferral and suggested that the Board deny the request.

Mr. Francis Snell, Vice President of Edgewater Section 1 Homeowners Association, stated he lives across the street from the subject property. He further stated he will be unable to attend the September 27th meeting; therefore, he does not support the deferral.

Ms. Kathy Rivera, a resident of Edgewater, stated she thinks the request should be heard tonight and denied.

No one else came forward to speak to the deferral.

In response to Mr. Warren's questions, Mr. Joseph stated there are very few adjacent property owners, and the applicant has expanded its communication to the Edgewater Subdivision at large. He further stated the applicant has letters of support from Edgewater residents. He stated a petition in opposition was presented at the Planning Commission's hearing of the case, with only 12 names out of the entire community. He further stated the applicant is willing to meet with the community, and the 60-day deferral will allow the applicant time to explain to Board members things that have transpired relative to the request.

Mr. Warren requested that the applicant provide him with copies of the letters of support, as well as the petition in opposition. He stated he, too, would make himself available to meet with the community.

Mr. Warren then made a motion, seconded by Mrs. Humphrey, for the Board to defer Case 05SN0238 until September 27, 2006.

Mrs. Humphrey stated the residents want more access to the lake and also more restaurants. She further stated she supports the 60-day deferral because it will provide additional time for discussion of the new land use pattern for this location.

Mr. King called for a vote on the motion of Mr. Warren, seconded by Mrs. Humphrey, for the Board to defer Case 05SN0238 until September 27, 2006.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

06SN0144

In Midlothian Magisterial District, HENRY JONES FAMILY L.C. requests rezoning and amendment of zoning district map from Residential (R-9) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.00 units per acre is permitted in a Residential

Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for village square, village shopping district and village fringe area uses. This request lies on 21.8 acres fronting approximately 600 feet on the west line of North Woolridge Road, also fronting approximately eighty (80) feet on the south line of Grove Hill Road. Tax ID 731-706-Part of 3947.

Mr. Turner stated Mr. King has requested a deferral of Case 06SN0144 until August 23, 2006.

Mr. John Easter, representing the applicant, stated he understands why Board members want to defer the request, and he will meet with Ms. Beirne regarding the case prior to the August 23rd meeting.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board deferred Case 06SN0144 until August 23, 2006.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0237

In Dale Magisterial District, WATERMARK TOWN CENTER LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and residential use of 1.0-2.5 dwelling units per acre. This request lies on 112.2 acres fronting approximately 1,900 feet on the west line of Iron Bridge Road approximately 350 feet north of Willowbranch Drive, also lying at the southern terminus of Manuel Street. Tax ID 771-677-3871.

Mr. Turner stated Mr. Miller has requested a deferral of Case 06SN0237 until August 23, 2006.

Mr. John Cogbill, representing the applicant, stated he supports the deferral.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 06SN0237 until August 23, 2006.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0213 (Amended)

In Bermuda Magisterial District, RICHMOND 20 MHZ LLC D.B.A. NTELOS requests Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 13.9 acres fronting approximately 300 feet on the north line of Treely Road approximately 1,385 feet east of Branders Bridge Road and also fronting approximately fifty (50) feet at the northern terminus of Greenbriar Drive. Tax ID 788-640-Part of 0107.

Mr. Turner presented a summary of Case 06SN0213 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Brennen Keene, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0213 and accepted the following proffered conditions:

The Applicant (the "Applicant") in this zoning case, having power of attorney from the Property Owner, pursuant to Subsection 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the 13.9 acre parcel (the "Property") that is a part of the property known as GPIN 788640010700000 (Part of) under consideration will be developed according to the following conditions if, and only if, the rezoning from A to A with a Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

"Sketch Plan": The plan entitled "Preliminary Sketch of a Proposed Communications Tower Site, Site: Harrowgate, RMB-0229, Chesterfield County", prepared by Johnson, Mirmiran & Thompson and dated May, 17, 2005, last revised June 19, 2006.

1. The telecommunications tower and the access road to the telecommunications tower site shall be installed and constructed generally in conformance with the Sketch Plan. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height

and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. Other than where necessary to provide access to the tower compound and to provide utility service to the tower compound, a buffer of mature trees shall be preserved in the area designated as "Buffer Area" (the "Buffer") on the Sketch Plan. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the Buffer may be removed unless such trees are dead, diseased or dying. (P)

4. The color and lighting system for the tower and the design of the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure.
 - d. All antennas shall be installed using a flush mount design. (P)
5. Any building or mechanical equipment shall comply with the Emerging Growth District Standards for commercial uses as identified in the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) months, the Applicant shall dismantle and remove the tower and all associated equipment from the property. (P)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0284

In Bermuda Magisterial District, WOOD PROPERTIES, L.P., LLP requests rezoning and amendment of zoning district map from Light Industrial (I-1) and Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 1.3 acres and is known as 8810 Metro Court. Tax ID 792-672-4157.

Mr. Turner presented a summary of Case 06SN0284 and stated the Planning Commission and staff recommend approval.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 06SN0284.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0294

In Bermuda Magisterial District, MEADOWVILLE, LLC requests Conditional Use and amendment of zoning district map to permit an above-ground utility structure. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less and light industrial/residential use. This request lies in a Residential (R-12) District on 5.0 acres of a 349 acre tract fronting approximately 2,530 feet on the east and west lines of North Enon Church Road, north of Meadowville Road. Tax ID 821-662-Part of 4757.

Mr. Turner presented a summary of Case 06SN0294 and stated the Planning Commission and staff recommend approval subject to one condition.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06SN0294, subject to the following condition:

All mechanical equipment shall be enclosed by a masonry structure having a residential appearance and design. Further, the perimeter of the building shall be landscaped to create a residential appearance. The exact treatment of the facility and landscaping shall be approved by the Planning Department. (P)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06CW0430

In Midlothian Magisterial District, ZAREMBA METROPOLITAN MIDLOTHIAN, L.L.C. requests an exception to Section 19-232 of the Chesapeake Bay Preservation Act requirements of the Zoning Ordinance to permit the encroachment into the Resource Protection Area (RPA) as a result of grading to create buildable areas, roads, parking lots and supporting infrastructure for the proposed lifestyle center project, Westchester Commons at Watkins Centre. As a condition of approval, the applicant is proposing measures, both structural and non-structural, that will provide additional stormwater (non-point source) treatment and water quality improvements. The remaining environmental features will be protected by maintaining erosion and sediment control standards and controlling stormwater flow to prevent down stream erosion. Additional buffers will also be established

providing increased protection of environmental resources and stormwater treatment. Exceptions to the Resource Protection Area Regulations are permitted pursuant to Section 19-235 (b)(2) of the Ordinance. The property is located at 15319 Midlothian Turnpike, which is within the Michaux Creek drainage basin; specifically, the project is generally located north of Midlothian Turnpike (State Route 60), and south of WWII Veterans Memorial HWY (State Route 288). Tax ID 717-708-Part of 5080 (Sheet 5). Questions should be directed to the Office of Water Quality, Scott Flanigan at (804) 748-1035.

Mr. Turner presented a summary of Case 06CW0430 and stated staff recommends approval.

Mr. Tom Seaborne, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06CW0430.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SR0289

In Matoaca Magisterial District, RAY J. CASELLA requests renewal of Conditional Use (Case 03AN0260) and amendment of zoning district map to operate a commercial kennel incidental to a dwelling. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 6.0 acres fronting approximately 320 feet on the north line of River Road approximately 350 feet west of Epps Falls Road. Tax IDs 706-644-2244 and 3551.

Mr. Turner presented a summary of Case 06SR0289 and stated the Planning Commission recommends approval and acceptance of the proffered conditions. He further stated staff also recommends approval, but suggests that the identification sign be one square foot rather than four square feet as proffered.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable. He noted the Planning Commission supported the proposed four-square-foot entrance sign.

Mrs. Humphrey stated the larger sign is appropriate for this location.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to approve Case 06SR0289 and accept the following proffered conditions:

1. The Conditional Use shall be granted to and for Raymond and Cynthia Casella, exclusively, and shall not be transferable nor run with the land. (P)
2. The Conditional Use shall be limited to the operation of a boarding kennel for a maximum of twenty (20) dogs and ten (10) cats. (P)
3. A maximum of two (2) employees other than the applicants shall be engaged in the operation. (P)
4. Areas associated with the keeping of animals shall be cleaned and made free of waste on a regular basis so as to eliminate odors and the proliferation of insects. (P)
5. One (1) sign shall be permitted at the entrance and shall not exceed four (4) square feet. (P)
6. No additional run areas, structures or fenced areas other than those existing areas and structures as shown on the plan prepared by Balzer and Associates dated May 25, 2006 shall be constructed to accommodate this use. (P)
7. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the North side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER THE EXECUTION OF A DEED OF LEASE BETWEEN THE COUNTY AND THE RICHMOND AREA ASSOCIATION OF RETARDED CITIZENS FOR THE OPERATION OF CAMP BAKER

Assistant County Attorney Tara McGee stated this date and time has been advertised for a public hearing for the Board to consider authorizing the execution of a deed of lease between the county and the Richmond Area Association of Retarded Citizens for the operation of Camp Baker. She noted the deed of lease has the same operating terms as the prior lease, provides for the priority of Chesterfield Community Services Board consumers for Camp Baker services, and limits future cost increases to the county for CSB services.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the execution of a Deed of Lease between the county and the Richmond Area Association of Retarded Citizens for the operation of Camp Baker. (It is noted a copy of the Deed of Lease is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

**16.B. TO CONSIDER A FRANCHISE AGREEMENT WITH CAVALIER
TELEPHONE AND TV**

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider a franchise agreement with Cavalier Telephone and TV. He further stated on July 1, 2006, Cavalier notified the county of its intent to negotiate a franchise agreement to provide cable, telephone and Internet services. He stated, under the new cable legislation adopted by the General Assembly effective July 1st, the county has 45 days to come to a franchise agreement and if this is not done, the locality is obligated to accept an ordinance franchise and cannot customize the franchise terms. He further stated tonight's public hearing was scheduled because of time constraints; however, Cavalier has notified the county that they are willing to waive the 45-day negotiation period. He stated staff is recommending that the Board defer the public hearing until August 23, 2006, and during the deferral period staff will negotiate with Cavalier for customized provisions that are important to Chesterfield consumers.

In response to Mr. Miller's question, Mr. Micas stated the county cannot negotiate rates or channel line-up for the franchise agreement.

Ms. Humphrey expressed concerns that Cavalier is not offering service to Matoaca District residents.

Mr. Ramsey stated it is the county's understanding that the coverage map provided by Cavalier shows the only points where they can deliver the service.

Mrs. Humphrey requested an explanation as to why service cannot be provided by Cavalier in the most populated area of the county, which is located in the Matoaca District.

Mr. Miller expressed concerns relative to state law constraints regarding the negotiation of a franchise agreement.

Mr. Ramsey stated state legislation evens the playing field for revenue to localities from cable systems and standardizes the franchises across the state.

Mr. Miller stated he hopes competition will result in better rates.

In response to Mrs. Humphrey's question, Mr. Micas stated the county can discuss service areas and schedules for the extension of service.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred consideration of a franchise agreement with Cavalier Telephone and TV until August 23, 2006.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

16.C. TO CONSIDER AN ORDINANCE TO VACATE A SIXTEEN-FOOT AND VARIABLE WIDTH UTILITY EASEMENT ACROSS LOTS 1 THROUGH 10, BLOCK K, ASHLEY VILLAGE

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 16-foot and variable width utility easement across Lots 1 through 10, Block K, Ashley Village.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to COMMUNITY DEVELOPMENT PARTNERS, LLC, a Virginia limited liability company, ("GRANTEE"), a portion of a 16' and variable width utility easement across Lots 1 through 10, Block K, Ashley Village Subdivision, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 24, at Page 52.

WHEREAS, COMMUNITY DEVELOPMENT PARTNERS, LLC, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 16' and variable width utility easement across Lots 1 through 10, Block K, Ashley Village Subdivision, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 24, Page 52, by AUSTIN BROCKENBROUGH AND ASSOCIATES, dated MARCH 27, 1975, and recorded JULY 31, 1975. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 16' and variable width utility easement, across Lots 1 through 10, Block K, Ashley Village Subdivision, the location of which is more fully shown on a plat made by BAY DESIGN GROUP, dated JUNE 5, 2006, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owner of Lots 1 through 10, Block K, Ashley Village Subdivision, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and COMMUNITY DEVELOPMENT PARTNERS, LLC, a Virginia limited liability company, or its successors in title, as GRANTEE.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

**16.D. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF
BATTERY DANTZLER ROAD WITHIN BERMUDA INDUSTRIAL PARK
EXTENSION**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Battery Dantzler Road within Bermuda Industrial Park Extension.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to THE BERMUDA TRIANGLE PROPERTY, L.P., a Virginia limited partnership, ("GRANTEE"), a portion of Battery Dantzler Road within Bermuda Industrial Park Extension, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 68, at Page 46.

WHEREAS, THE BERMUDA TRIANGLE PROPERTY, L. P., petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Battery Dantzler Road within Bermuda Industrial Park Extension, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 68, Page 46, by VIRGINIA SURVEYS, dated AUGUST 10, 1989, and recorded OCTOBER 17, 1989. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of Battery Dantzler Road within Bermuda Industrial Park Extension, the location of which is more fully shown on a plat made by GENE WATSON & ASSOCIATES, P.C., dated MAY 27, 2006, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of right of way hereby vacated in the adjacent property owner free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and THE BERMUDA TRIANGLE PROPERTY, L.P., a Virginia limited partnership, or its successors in title, as GRANTEE.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

06SN0119

In Bermuda Magisterial District, DSRA, LLC requests rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies on 4.1 acres fronting approximately 390 feet on the south line of West Hundred Road, also fronting approximately 900 feet on the west line of Interstate 95 ramp and located in the southwest quadrant of the intersection of these roads. Tax IDs 800-653-Part of 4668 and 800-654-2833, 4223 and Part of 2613 and Part of 5211.

Ms. Jane Peterson presented a summary of Case 06SN0119 and stated both staff and the Planning Commission, on a vote of three to two, recommend denial of the request. She further stated, although the proposed zoning and land uses conform to the Southern Jefferson Davis Corridor Plan, the application fails to restrict any additional vehicular movements from the site to West Hundred Road. She stated, since the Commission's consideration of the request, the applicant has submitted two additional proffered conditions - Proffered Condition 5, which is intended to limit access through the subject property to serve adjacent properties to the north; and Proffered Condition 6, which proposes improvements to the crossovers along Route 10, west of Interstate 95. She further stated, even with these improvements, the Transportation Department cannot support access to the site from Route 10. She noted transportation issues relative to access represented the primary focus in the Commission's consideration of the case, and the two new proffered conditions affecting access represent a substantial change to the application considered by the Commission; therefore, the Board may want to consider remanding the request to the Planning Commission.

Discussion ensued relative to the necessity to turn right and then make a u-turn at the crossover to travel west on Route 10 from the subject property.

Mr. Dean Hawkins, representing the applicant, stated DSRA has been working on this proposal for approximately two years in an effort to address transportation issues. He further stated the applicant owns the Clarion Hotel adjacent to the subject property, and the access proposed in Proffered Condition 5 runs even with the back of the Clarion Hotel property. He stated DSRA also owns the remaining acreage behind the property to Weir Road abutting John Tyler Community College. He further stated the proposed limited access will help control traffic now and in the future. He noted another zoning request will follow this case, which will provide an extension of the road behind the subject property and a second access to John Tyler. He stated the businesses across the street from the subject property are concerned that additional traffic from the proposed development might cause the Virginia Department of Highways to close the crossover. He further stated the application is requesting down-zoning on the front portion of the site to C-3 and is proffering out all uses except sit-down restaurants.

Discussion ensued relative to the distance between the two crossovers on Route 10.

Mr. Hawkins stated the applicant is limiting uses; relinquishing the ability to access Route 10 from the direct frontage of its property; adding a median alongside the existing left-turn lane to preclude traffic exiting the proposed development from making a left-hand turn at the nearest crossover; and constructing a stacking lane for traffic going west wanting to make a u-turn to come back east. He stated the proposed use is compatible with the Southern Jefferson Davis Corridor Plan, and the only issue has been the transportation component. He noted that discussions pertaining to the applicant's additional acreage have included not allowing traffic from the developments to

access Route 10, but to connect to John Tyler and access at Weir Road. He stated, in his opinion, the applicant has done everything possible in planning for the future not to impact Route 10.

Mr. King called for public comment.

Mr. Michael Sweeney, representing Hospitality Seven and Shamin Hotels, expressed concerns relative to the impact of the proposed development on the health and safety of county residents. He stated Route 10 is stretched beyond its limits, noting the number of automobile accidents that have occurred in this vicinity.

Mr. Bill Bishop, representing the Chester Community Association, stated he believes the best option would be to remand the request to the Planning Commission and create a master transportation plan for the entire area.

Mr. Oliver "Skitch" Rudy, representing businesses on the north side of Route 10, expressed concerns relative to how traffic will be kept from exiting the subject property onto Route 10. He stated closing the crossover will interfere with the investments that have been made by existing businesses. He further stated, in his opinion, the Board should deny the request.

Mr. Al Donavan, representing several business located on Route 10 between Interstate 95 and Jefferson Davis Highway, expressed concerns relative to increased traffic from the proposed restaurants and public safety of the residents. He stated the proposal to install the stacking lane will help with the existing traffic, but the additional traffic that will be generated by the proposed restaurants would not offset the problem. He further stated he does not support restaurants at this location. He stated closing the existing crossovers would be detrimental to the existing businesses. He submitted for the record petitions and a letter from the community in opposition to the proposed development.

Mr. Michael Wolsey, representing Abremich RREMC LLC, current lessees and operators of Denny's Restaurant, stated he is trying to find a way to support the case and alleviate the traffic issues. He further stated he is willing to listen to staff's comments regarding the additional proffered conditions.

Ms. Lisa Wells, representing Cosmo Incorporated, owner of three businesses across the street from the applicant's property, stated she believes the road improvements being offered by the applicant will result in safer traffic flow for patrons and all residents. She further stated, in her option, the improvements will also reduce the likelihood of crossovers being closed.

Mr. Anil Patel, member of DSRA, LLC, thanked the Board for its patience in allowing the applicant to find a possible solution to traffic concerns. He stated the proposed median will improve the traffic flow and hopefully eliminate the possibility of closing the crossover, and the turning lane at the second crossover will also improve the traffic situation. He further stated the proposed restaurants will improve the

interchange and provide additional revenue and jobs for the county.

Mr. Roger Habeck, representing Hospitality Seven, stated he just received the new transportation proposal this evening. He further stated, when the Turnpike Authority purchased the subject property, the residents were told that they would not be able to develop the land and acquire access to Route 10. He stated numerous people have approached the county about developing this property and were told they would never be able to get access to Route 10; therefore, they abandoned their efforts. He further stated traffic has increased in this area and inquired why this application is being considered when others who attempted to develop this property were denied the right to do so. He stated the needs of one property owner cannot overrule the needs of all the others along the corridor, including businesses, residents and commuters.

Mr. C. L. Morrisette stated, in his opinion, the businesses along this corridor should provide donations to fix the road and alleviate the traffic issues.

There being no one else to speak to the request, the public hearing was closed.

Mr. Hawkins acknowledged that Hospitality Seven has an access easement across the applicant's property onto Route 10, but also owns additional property that connects to Weir Road. He stated the applicant also has an access easement across Hospitality Seven's property, which they did not reflect in their site plan, indicating that the applicant will be looking at that as a potential access site as well as Weir Road in the future. He further stated he agrees with Mr. Bishop that a transportation master plan is a good idea. He stated the applicant is giving up the limited access along Route 10 at the Interstate-95 ramp, and plans to install traffic controls on the back side of the subject property with the next zoning request that would preclude traffic from coming back out to Route 10.

In response to Mr. Miller's question, Mr. Hawkins stated the applicant would not be willing to proffer at this time that there would be no access between the subject property and the remaining property that is not yet developed. He stated traffic controls would prohibit traffic from the additional property, as it develops, from exiting through the subject property onto Route 10. He further stated the applicant's proposal will not add an additional burden to the crossovers.

Discussion ensued relative to the proposed transportation improvements.

Mr. McCracken stated the additional proffered conditions will improve the traffic conditions from their current state. He further stated he is concerned that VDOT may look at closing the crossovers because of increased accidents; but, in his opinion, the transportation improvements will help the odds of the crossovers remaining open.

Discussion ensued relative to the businesses working together to produce options to alleviate the traffic issues in this area.

In response to Mr. Miller's question, Mr. McCracken stated the best alternative would be to place no more traffic in the crossover, and the proposed improvements are the best alternative should the Board approve the request. He further stated he does not agree that the applicant could access the Interstate 95 ramp from the subject property, if they chose to do so. He stated VDOT has confirmed that, even if there was not a limited access across the subject property, they would not support an access directly to the Interstate 95 ramp.

Mr. King stated the applicant is currently permitted to locate a fast-food restaurant on the subject property, with access to Route 10.

In response to Mr. King's question, Mr. McCracken stated when the property to the south is developed, staff will attempt to negotiate options for traffic from the proposed restaurants to access to the south.

Mr. Miller inquired whether the proposed development of the subject property would increase public safety hazards above what is currently permitted.

Mr. McCracken stated staff would try to get the same improvements if a fast-food restaurant were proposed. He further stated additional traffic from any source would represent a worse case scenario.

Mr. King stated he agrees that the transportation master plan needs to be reviewed, but does not think the request should be remanded to the Planning Commission because of the lack of options to address the transportation issues in this area. He further stated there has been an outcry from the general public for many years for additional restaurants. He stated it is not his place to decide where businesses are located and noted that the applicant currently has the right to develop its property for C-5 business.

Mr. King then made a motion, seconded by Mr. Miller, for the Board to approve Case 06SN0119 and accept the proffered conditions.

Mr. Miller expressed concerns that there is no good solution, indicating that the applicant currently has the right to develop a more intense use than what he is seeking and also has some access rights to Route 10. He stated he will support the request because of what the applicant is currently capable of developing on the subject property.

Mr. Warren stated, although this is not an easy decision, he believes approval of this request would be a little bit better than denying it.

Mrs. Humphrey stated the applicant has the right to develop the subject property. She further stated VDOT will close the crossovers one day regardless of the transportation improvements provided through zoning cases. She suggested that the existing businesses work together to alleviate the traffic issues.

Mr. King called for a vote on his motion, seconded by Mr. Miller, for the Board to approve Case 06SN0119 and accept the following proffered conditions:

1. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)
2. No direct vehicular access shall be permitted to the property from West Hundred Road (State Route 10). (T)
3. The public water and wastewater systems shall be used. (U)
4. Uses shall be limited to two (2) restaurants. (P)
5. If access is provided to the adjacent properties to the south, such access shall be limited. The access shall be designed and constructed to allow traffic to enter those adjacent properties through the subject property, and shall preclude traffic from exiting those adjacent properties to travel through the subject property to Route 10. (T)
6. Prior to the issuance of an occupancy permit the following improvements shall be provided, if approved by the Virginia Department of Transportation. The exact design of these improvements shall be approved by the Transportation Department:
 - a) Construction of a raised median along the eastbound lanes of Route 10 to preclude vehicles exiting the site from making a u-turn or turning left at the first crossover on Route 10 west of the Interstate 95 interchange; and
 - b) Construction of additional pavement along the westbound lanes of Route 10 at the second crossover on Route 10 west of the Interstate 95 interchange to provide a left turn lane. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for the improvements identified above. (T)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0163

In Matoaca Magisterial District, SWIFT CREEK REALTY PARTNERS LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 74.4 acres fronting approximately seventy (70) feet on the north line of Cosby Road approximately 1,140 feet east of Otterdale Road, also fronting approximately 910 feet on the

east line of Otterdale Road approximately 1,290 feet north of Cosby Road. Tax IDs 711-671-8733; 712-671-5171; 712-672-3060; 713-672-1358; and 713-673-Part of 1067.

Mr. Robert Clay presented a summary of Case 06SN0163 and stated staff recommended approval, subject to concerns of transportation, water quality and parking being addressed. He further stated the Planning Commission, on a vote of 4-0, recommended approval, indicating that the proposal conforms to the Upper Swift Creek Plan; the impact of the proposed development on capital facilities has been addressed; and water quality concerns would be addressed during the site plan process.

Mr. John Cogbill, representing the applicant, stated the applicant has built the first regional BMP in the county, and all of the water from this site will run into this regional BMP. He further stated there is adequate capacity to reduce the phosphorous level in the water, and there will be additional capacity available for the future; thus, the farm ponds on the subject property are no longer necessary. He stated the required parking has been provided for the single-family dwellings and townhouses. He further stated the applicant has requested 1.5 spaces per unit for the condominiums as opposed to the county's normal requirements of 2 spaces, noting that this is an age-targeted community that historically has less parking requirements. He requested that the Board approve the proposed development, noting that benefits of the proposal include the extension of Cosby Road from the high school to Otterdale Road and improvements to Otterdale Road.

Mr. King called for public comment.

Ms. Andrea Epps stated she supports the request because the proposed road improvements and cash proffers will benefit the transportation network until alternate funding sources are identified. She further stated the applicant has built the regional BMP and should be allowed to use it. She stated the proposal promotes the wise use of land and discourages waste.

Ms. Marty Mitchell, a member of the Woodlake Community Association Board, requested that the Board deny the proposal due to its potential negative impact on the Swift Creek Watershed, as well as the negative impact on traffic on Otterdale and Cosby Roads, and ultimately the Woodlake neighborhood. She stated, in her opinion, high-density housing should not be considered until the unsafe conditions of Otterdale and Woolridge Roads have been addressed. She further stated the cash proffers are insufficient to address the necessary road improvements, indicating that the case should at least be deferred until the Upper Swift Creek Plan has been revised.

Ms. Shelly Schuetz stated, in her opinion, it is critical that the county collect the full proffer on age-restricted housing to provide for education for the county's youth. She further stated she believes that waivering the school proffer amount on age-restricted housing is the primary cause of insufficient school facilities to accommodate the county's current and growing school population. She suggested that school proffer amounts should be calculated with all new units, including age-targeted or age-restricted housing,

unless the county is willing to change the methodology for determining the school proffer amount. She expressed concerns that annual increased assessments are affecting all homeowners in the county. She stated she supports age-restricted and age-targeted housing as long as the county is not expected to enforce these restrictions.

Mr. Kirk Castle, a resident of the Summer Lake community, expressed concerns relative to the unsafe conditions of Otterdale Road. He stated, in his opinion, Otterdale Road should be improved prior to approving additional housing.

Ms. Marleen Durfee, representing the Responsible Growth Alliance of Chesterfield, stated the proposed density of 7 dwelling units per acre is too high and will result in traffic congestion. She suggested that open space be required in the proposed development. She stated, in her opinion, school cash proffers should be collected for all new units in the county. She expressed concerns relative to traffic issues on Woolridge and Otterdale Roads, indicating that she feels the proposal should be deferred until public safety is provided for.

Discussion ensued relative to Planning Commissioner Wayne Bass's efforts to address transportation issues in this area.

In response to Mr. Warren's questions, Mr. Bass came forward and stated the county needs to make a decision relative to funding for improvement of the causeway section of Woolridge Road. He stated there is currently adequate cash proffer funding to widen Woolridge Road to Timbers Bluff Parkway and improve the causeway, but no commitment from the county to continue the Woolridge Road improvements.

Discussion ensued relative to a meeting that Mr. Bass has scheduled with Mr. Ramsey to discuss a possible commitment from the county towards addressing Woolridge and Otterdale Road improvements.

Mr. Bass stated he believes the only way to address the necessary road improvements in this area will be through zoning cases.

In response to Mr. Warren's question, Mr. Bass stated improving the causeway is essential, indicating that it belongs to the county.

Mrs. Humphrey noted that the applicant will provide \$1.589 million to the county for transportation improvements before any building permits are issued, and another \$1.589 million when the 130th building permit is issued.

Mr. Bass stated additional proposed zoning cases will also provide upfront funding for transportation improvements in this area.

Mr. Bob Herndon, a resident of the Matoaca District, expressed concerns relative to hazardous traffic conditions and the number of major accidents that have occurred in this area. He expressed further concerns that approving zoning cases to provide funding of transportation improvements will lead to additional traffic and the need for additional roads.

Mr. C. L. Morrisette stated he disagrees with the county's assessment of the cost per mile to construct roads, indicating that he believes Otterdale Road can be improved in its entirety for \$2 million.

Mr. Jim Theobald, representing property owners across Otterdale Road to the west of the subject property, stated he supports the request, which is consistent with the land use plan. He noted that the east-west road, as currently proposed, has moved approximately 700-800 feet further south, and requested that the applicant meet with his clients and Transportation staff relative to the placement of the intersection of this road with Otterdale.

There being no one else to speak to the request, the public hearing was closed.

Mr. John Cogbill stated the applicant will provide infrastructure, as well as cash to address transportation concerns. He further stated the causeway belongs to the county and is not a part of the state road system. He stated the proposed development will provide \$8.1 million in cash proffers and suggested that this is not a high-density project, but a project that is at the low-end of the density range for conformance with the Plan. He read a letter from Mr. Eric Hodges, President of Foxcroft Association, indicating that Foxcroft supports Mr. Bass's work to bring developers together to work on area roads. He noted that Mr. Hodges indicated at the Board's June 28, 2006 public hearing that Foxcroft supports the proposed development. He requested the Board's approval and noted that the applicant has been working with Dr. Tom Pakurar to address water quality issues.

Mrs. Humphrey expressed concerns that Woodlake does not support this request, indicating that the Woodlake Board of Directors urged the completion of the transportation improvements for this area during the discussions regarding Cosby Road High School. She further stated the proposed development will put some of these improvements into place, and a future zoning request will complete the road improvements. She stated Mr. Bass has done an exceptional job putting together a coalition of landowners and developers on Woolridge and Otterdale Roads to address the transportation issues. She further stated the applicant is providing the full school cash proffer. She stated she is pleased that a significant portion of the east-west road to Cosby Road High School is being constructed.

Mrs. Humphrey then made a motion, seconded by Mr. Miller, for the Board to approve Case 06SN0163 and accept the following proffered conditions:

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 713-673-1067 (part), 713-672-1358, 712-672-3060, 712-671-5171, and 711-671-8733 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-MF with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with

conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated October 12, 2005, last revised May 16, 2006, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)
3. Cash Proffers. In addition to the Transportation Contribution described in Proffered Condition 10, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a residential building permit for infrastructure improvements within the service district for the Property:
 - A. \$6,685 per dwelling unit, if paid prior to July 1, 2006. At the time of payment, \$6,685 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for libraries, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$6,685 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - B. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay \$1,354.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The \$1,354.00 for any units developed shall be allocated pro-rata among the facility costs: \$602 for parks, \$348 for library facilities, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$1,354.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

4. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (B&M)
5. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 4 shall be noted on the site plan. Such dwelling units shall be grouped together as part of the same development section(s). (P)
6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first.
 - A. Forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the Property.
 - B. A seventy (70) foot wide right-of-way for the east/west collector (the "East-West Road") from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
7. Access.
 - A. Direct vehicular access from the Property to Otterdale Road shall be limited to the East-West Road.
 - B. No direct vehicular, except for emergency or construction, access shall be provided from the Property to Cosby Road.
 - C. Prior to site plan approval, an access plan for the East-West Road shall be submitted to and approved by the Transportation Department. Access from the Property to the East-West Road shall conform to the approved access plan. (T)
8. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer.
 - A. Widening/improving the east side of Otterdale Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of

compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.

- B. Construction of two lanes of the East-West Road, to VDOT Urban Collector (40 MPH) standards with any modifications approved by the Transportation Department, from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this road shall be approved by the Transportation Department.
 - C. Construction of left and right turn lanes along Otterdale Road at the East-West Road intersection.
 - D. Construction of left and right turn lanes along the East-West Road at each approved access, if warranted, based on Transportation Department standards.
 - E. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
9. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
10. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall make the following payments to the County of Chesterfield. The payments shall be used for road improvements in accordance with the Board's cash proffer policy. The payments could be used towards road improvements to Woolridge Road and/or Otterdale Road.
- A. Prior to issuance of the first residential building permit for the first dwelling unit on the Property, the amount of \$1,158,950.
 - B. Prior to issuance of a residential building permit for a cumulative total of more than 130 dwelling units on the Property, the amount of \$1,158,950.
 - C. Prior to issuance of each residential building permit that would be in excess of a cumulative

total of more than 260 dwelling units on the Property, the amount of \$8,915.

- D. If the amounts above are paid after June 30, 2006, then each amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.
 - E. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 8, then the transportation contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the transportation contribution in this Proffered Condition as determined by the Transportation Department. Once the sum total amount of the transportation contribution credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the transportation contribution as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount. (B&M and T)
11. Density. The maximum number of dwelling units permitted on the Property shall be 520. (P)
12. Buffers. The following buffers shall be provided.
- A. A fifty (50) foot buffer shall be provided adjacent to Otterdale Road. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review.
 - B. A thirty-five (35) foot buffer shall be provided adjacent to the East-West Road. This buffer shall conform to the requirements of the Zoning Ordinance for thirty five (35) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review. (P)
13. Public Streets. All streets that accommodate general traffic circulation through the Property, as determined by the Transportation Department, shall be designed and

constructed to VDOT standards and as set forth in the Textual Statement, and taken into the State System, except that if a third access road is required under Section 19-111 (h) it may be private. (T)

14. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Mr. King requested a 10-minute recess.

Reconvening:

06SN0273

In Bermuda Magisterial District, LAVERNE C. COLE requests Conditional Use and amendment of zoning district map to permit a child care center in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies on 5.0 acres and is known as 5100 Ecoff Avenue. Tax ID 785-656-0821.

Ms. Jane Peterson presented a summary of Case 06SN0273 and stated staff recommends denial because the proposed child care center does not conform with the Chester Plan, which suggests residential use. She further stated the Planning Commission unanimously recommend approval and acceptance of the proffered conditions, noting that a child care center at this location was appropriate and preferable to residential use.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated this is an excellent use of the land, and requested that the Board support the Planning Commission's recommendation.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King stated, in his opinion, the proposed child care center will provide a service for the community and is preferable to residential development.

Mr. King then made a motion, seconded by Mr. Warren, for the Board to approve Case 06SN0273 and accept the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 785-656-0821-00000 (the "Property") under consideration

will be developed according to the following conditions if, and only if, the request for a conditional use to build and operate a child care center is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. The public wastewater system shall be used. (U)

2. Transportation.

Direct vehicular access from the property to Ecoff Avenue shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department.

To provide an adequate roadway system, the developer shall provide the following road improvements with initial development of the property:

(a) Construction of additional pavement along Ecoff Avenue at the approved access to provide left and right turn lanes, based on Transportation Department standards.

(b) Construction of a sidewalk along the north side of Ecoff Avenue for the entire property frontage. The exact design and location of this improvement shall be approved by the Transportation Department.

(c) Relocation of the ditch along the north side of Ecoff Avenue to provide an adequate shoulder for the entire property frontage

(d) Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

3. Except for buffers, development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0290

In Dale Magisterial District, MICHAEL B. CHANEY requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 16.0 acres fronting approximately 310 feet on the east line of Iron Bridge Road approximately 1,700 feet north of White Pine Road. Tax IDs 771-671-5480 and Parts of 1114, 1627, 2640 and 3152.

Ms. Darla Orr presented a summary of Case 06SN0290 and stated staff recommends denial because the request does not conform to the Central Area Plan, which designates the property as part of a mixed-use corridor where office uses and residential development are appropriate. She further stated the Planning Commission and staff recommends approval and acceptance of the proffered conditions, indicating that the uses as proposed and proffered would be compatible with area development.

Mr. Andy Scherzer, representing the applicant, stated the request represents a unique opportunity for a county business to expand on a property that is suited to it. He further stated RPAs running along the rear and north of the property provide insulation from adjacent development, and screening requirements will ameliorate the impact of the proposed development on the neighborhood and the Route 10 corridor. He stated the proposal has the support of the Planning Commission and requested the Board's approval.

In response to Mr. Miller's question, Mr. Scherzer stated there are strong agricultural requirements and landscaping for the office uses along Ironbridge Road.

Discussion ensued relative to setback of the office uses from Route 10 and screening of the warehouse uses.

In response to Mr. Miller's question, Mr. Scherzer stated the outside storage and other warehouse uses will not be visible from Route 10 or by adjacent property owners.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. King, the Board approved Case 06SN0290 and accepted the following proffered conditions:

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Direct vehicular access from the property to Iron Bridge Road (Route 10) shall be limited to one (1) entrances/exit located towards the northern property line. The exact location of this access shall be approved by the Transportation Department. (T)
3. Within sixty (60) days of a written request or prior to site plan approval, whichever occurs first, one hundred (100) feet right-of-way on the east side of Route 10 measured from the centerline of the roadway immediately adjacent to the property shall be dedicated, free and unrestricted, to Chesterfield County. (T)
4. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 to the adjacent property to the south. (T)

5. The owner/developer shall be responsible for the following:
 - A. Construction of an additional lane of pavement along Route 10 for the entire property frontage.
 - B. Construction of a separate right turn lane based on Transportation Department standards;
 - C. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
6. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 5, shall be submitted to and approved by the Transportation Department. (T)
7. Screening of outside storage areas shall be accomplished by the use of durable opaque fences and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. Screening of outside storage areas from Iron Bridge Road (Route 10) and Tax ID #771-671-0202 (unless and until it is rezoned to allow non-residential use) shall be accompanied by a brick, EFIS, stone, or masonry wall and an opaque fence design compatible with the principal building. This design shall also be generally compatible to the wall/fence design utilized on Tax ID #772-672-3298. (P)

Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)
8. Freestanding business signs shall be of a monument style. No exterior illuminated signs shall be permitted with the exception of one (1) project sign. (P)
9. Freestanding light fixtures shall not exceed a height of twenty (20) feet measured from the top of curb. (P)
10. No building shall exceed 30,000 gross square feet in area. (P)
11. Each building exterior (all sides) shall be constructed with a Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features). Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 7, or any building exterior that is deemed to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)

12. Permitted uses shall be limited to the following:

- A. Within 220 feet from the ultimate right of way of Iron Bridge Road, permitted uses on Tax ID 771-671-5480 shall be limited to:
 - i. Uses permitted by right or with restrictions in the Corporate Office (O-2) District.
 - ii. Contractors' offices and display rooms
- B. Building material sales yards, not including concrete mixing.
- C. Contractor's shops and storage yards.
- D. Wholesaling houses and distributors.
- E. Carpenter and cabinetmakers' offices and display rooms.
- F. Contractors' offices and display rooms.
- G. Electrical, plumbing or heating supply sales, service and related display rooms.
- H. Greenhouses or nurseries.
- I. Warehouses for permitted uses, provided that such buildings shall be set back a minimum of 100 feet from adjacent R, R-TH, R-MF or O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use when loading/warehouse areas are oriented toward such properties. The 100-foot setback shall be landscaped according to section 19-513(a)(4) of the Development Standards Manual. When loading/warehouse areas are oriented away from adjacent R, R-TH, R-MF or O Districts, setbacks shall be governed by the setbacks of this district.
- J. Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that:
 - i. Merchandise shall be located under a pedestrian way that does not exceed 16 feet in width;
 - ii. No more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
 - iii. Merchandise is displayed so that it does not obstruct pedestrian access.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

06SN0196

In Bermuda Magisterial District, PRINCETON PROPERTIES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-15) to Residential Townhouse (R-TH) with Conditional Use Planned Development of 38.0 acres; Agricultural (A) to Corporate Office (O-2) of 2.2 acres; Corporate Office (O-2) to Community Business (C-3) of 6.4 acres; and Corporate Office (O-2) to Multifamily Residential (R-MF) of 1.0 acre. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The density of such amendment for Corporate Office (O-2) and Community Business (C-3) uses will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and community mixed use uses. This request lies on 47.6 acres fronting approximately 440 feet in two (2) places on the south line of Iron Bridge Road, also fronting approximately 300 feet on the east line of Edenshire Road and fronting approximately 250 feet on the south line of Rivington Drive and located in the southeast quadrant of the intersection of these roads. Tax IDs 776-652-0051, 1462, 2477, 3293 and 7829; 777-652-3981 and Part of 6715; and 777-653-3211.

Ms. Jane Peterson presented a summary of Case 06SN0196 and stated, subsequent to the Board's deferral of the request at its July 26th meeting, the applicant revised the proffered conditions to fully address the impact of the residential uses on capital facilities and withdrew proffered conditions referencing age restrictions. She stated the applicant has agreed to dedicate right of way through its property for a proposed east-west arterial identified on the Thoroughfare Plan, but is unwilling to provide the total cost to construct the road, which is estimated to cost approximately \$340,000. She further stated the applicant has agreed to contribute \$170,000 to the cost of constructing the road. She stated staff recommends denial because the application fails to address the traffic impact in regards to construction of the thoroughfare road. She further stated staff also expressed concerns relative to parking provisions and the absence of a project focal point within the R-TH portion of the development. She stated the Planning Commission unanimously recommended approval and acceptance of the proffered conditions, noting that the applicant should not bear the full cost of construction of Carver Heights Drive Extended.

Mr. Ed Kidd, representing the applicant, stated this request has unanimous recommendation for approval from the Planning Commission; there is no opposition; and the proposed uses conform to the Plan. He further stated staff was supportive of the uses, and the issues raised by staff were all explained to the satisfaction of the Planning Commission during its consideration of the request. He stated the application has eliminated the reduced proffer on the age-restricted units and now provides for the full cash proffer in all circumstances. He requested that the Board support the Planning Commission's recommendation.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King stated this applicant has stepped up to the plate by offering full cash proffers for all units. He suggested that the Board consider whether or not to continue allowing reduction of cash proffers for age-restricted and age-targeted communities.

Mr. Ramsey stated the Planning Commission held a work session and staff will be bringing forward a revision to the cash proffer policy that cash proffers not be reduced for either age-restricted or age-targeted communities.

Discussion ensued relative to previously approved zoning requests with reduced cash proffers for age-restricted and age-targeted communities.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0196 and accepted the following proffered conditions:

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 776-652-2477, 776-652-3293, 776-652-7829, 777-653-3211, 776-652-1462, 776-652-0051 and 777-652-3981 and a portion of 777-652-6715 containing a total of 47.6 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for C-3, O-2, R-MF and RTH with CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

For the purposes of this Statement of Proffered Conditions, "Use Exception Property" shall mean the 5.0 acre portion of the Property lying on the south line of Ironbridge Road for which an R-TH with CUPD rezoning is requested and which is further defined in the Textual Statement referenced below, "Townhouse Property" shall mean the 38.0 acre portion of the Property for which an R-TH with CUPD rezoning is requested, less the Use Exception Property, and "Commercial Property" shall mean the 8.6 acre portion of the Property for which C-3 and O-2 rezoning is requested.

THE FOLLOWING PROFFERS ARE APPLICABLE TO THE ENTIRETY OF THE PROPERTY:

1. Utilities. The public water and wastewater systems shall be used. (U)
2. Timbering. Except for Timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

THE FOLLOWING PROFFERS ARE APPLICABLE TO THE ENTIRETY OF THE PROPERTY UNLESS OTHERWISE SPECIFICALLY NOTED:

3. Transportation.

- a. In connection with recordation of the initial subdivision plat for the Property, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, the following rights of way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 1. One hundred (100) feet of right-of-way on the south side of Ironbridge Road, measured from the centerline of that part of Ironbridge Road, immediately adjacent to the Property; and
 2. Any additional right of way required to widen the existing right of way for Carver Heights Drive to a total width of ninety (90) feet along the southern boundary line of the Townhouse Property or in such other location and of such width as otherwise agreed to by the developer and the Transportation Department.
- b. To provide for an adequate roadway system, the developer shall be responsible for the following:
 1. Construction of an additional lane of pavement along the eastbound lanes of Ironbridge Road at the Site Access (as defined below) and at the Edenshire Road intersection to provide separate right turn lanes.
 2. Construction of additional pavement along Edenshire Road to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) at its intersection with Ironbridge Road. The exact length of this improvement shall be approved by the Transportation Department.
 3. Full cost of traffic signalization at the Edenshire Road/Ironbridge Road intersection (the "Traffic Signal"), if warranted by development of the Townhouse Property or the Commercial Property, as determined by the Transportation Department.
 4. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above. In the event any additional right of way is required for the design approved by the Transportation Department for the improvement described in Proffered Condition 3.b.2., the developer may request, in writing, the County to acquire such right of way as a public road improvement. All

costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the additional right of way, the developer shall be relieved of the obligation to acquire the additional right of way and shall be obligated to construct the improvements only within available public right of way, as determined by the Transportation Department.

Prior to any site plan or road construction plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department.

- c. Except for a private driveway that serves only one (1) single-family dwelling on the Use Exception Property, direct vehicular access from the Property to Ironbridge Road shall be limited to one (1) entrance/exit (the "Site Access"), generally located along the common boundary line of the parcel identified as Tax ID 777-653-3211 (the "C-3 Parcel") and the parcel adjacent to and west of the C-3 Parcel and identified as Tax ID 776-653-9843 (the "Adjacent Parcel"), or as otherwise approved by the Transportation Department. The Site Access shall be designed and constructed to provide shared use with the Adjacent Parcel. The design of the Site Access shall be approved by the Transportation Department. Prior to any site plan approval which includes the Site Access, an access easement, acceptable to the Transportation Department, shall be recorded across the C-3 Parcel and/or the Adjacent Parcel to ensure shared use of the Site Access.
- d. All roads that accommodate general traffic circulation through the Townhouse Property (the "Circulation Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Circulation Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance but will be sufficient to accommodate the sidewalks and street trees proffered herein.
- e. Prior to the recordation of the initial subdivision plat establishing lots within the Townhouse Property, the developer shall pay \$170,000 to the County to be applied to the cost to construct an extension of or improvements to Carver Heights Drive, or for other road improvements within the Property's traffic shed as defined in the County's cash proffer policy. (T)

THE FOLLOWING PROFFER IS APPLICABLE ONLY TO THE TOWNHOUSE PROPERTY AND THE USE EXCEPTION PROPERTY:

4. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated May 16, 2006, shall be approved. (P)

THE FOLLOWING PROFFERS ARE APPLICABLE ONLY TO THE COMMERCIAL PROPERTY:

5. Architectural Compatibility. For the purposes of architectural treatment, the C-3 and O-2 tracts shall be considered as part of a project consisting of these tracts plus Tax ID 777-653-9412. (P)
6. Sidewalk. A sidewalk shall be provided along the south side of Ironbridge Road for the entire frontage of the Commercial Property. The exact design and location of the sidewalk shall be approved by the Transportation Department. To the extent allowed by VDOT, the sidewalk may be located within the public right of way. (P)

THE FOLLOWING PROFFERS ARE APPLICABLE ONLY TO THE TOWNHOUSE PROPERTY:

7. Dwelling Size and Building Materials.
 - a. Each dwelling unit shall have a minimum gross floor area of one thousand three hundred fifty (1,350) square feet.
 - b. Not less than forty (40) percent of the exposed portions of the front of each grouping of dwelling units shall be constructed of brick veneer. All other exposed exterior portions of each dwelling unit shall be constructed of vinyl siding or cement board siding or other materials of similar quality, durability, and appearance as approved by the Planning Commission in connection with tentative subdivision plan review. Roofs on dwelling units shall be of asphalt shingles or other materials with a minimum life of 20 years. (P)
8. Driveways. All private driveways shall be hardscaped with asphalt, concrete or aggregate. (P)

(Staff Note: Proffered Condition 9 (previously known as Proffered Condition 11) has been amended since the Commission's consideration of this case.)

9. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the amounts set forth below to the County of Chesterfield, prior to the issuance of a building permit for each new dwelling unit for infrastructure improvements within the service district for the Townhouse Property:

A. For all dwelling units:

1. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
2. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index

between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Townhouse Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner as determined by the County. (B&M)
10. Recreation. Pursuant to Section 19-105(o) of the Zoning Ordinance, the following recreational areas and facilities shall be provided with a total acreage equal to or greater than the acreage required by the Zoning Ordinance:
- a. An outdoor fitness system for active recreation to include (i) jogging or walking trails hardscaped with asphalt or other materials approved by the Planning Department and (ii) fitness stations or fitness clusters adjacent to the trails constructed primarily of wood or other materials of a natural appearance.
 - b. Park-like areas for passive recreation, hardscaped with features such as benches, gazebos or similar structures.
 - c. A playground area designed for use by small children with playground equipment constructed primarily of wood or other materials of a natural appearance, provided any playground areas shall be located a minimum of forty (40) feet from the property lines of lots within the Townhouse Property and a minimum of thirty-five (35) feet from any public roads.
 - d. A clubhouse building of a minimum size of 1,600 gross square feet. (P)
11. Garages. A minimum of fifty-one (51) percent of the total dwelling units shall initially be constructed with either a one (1) car garage or a two (2) car garage. The front of each front-loaded garage shall be located no closer to the Circulation Roads than the front façade of the dwelling unit it serves. (P)
12. Sidewalks. Sidewalks shall be provided on both sides of all rights of way for the Circulation Roads and along the southern line of the right of way for any roadway which extends Rivington Drive to connect Edenshire Road and Branders Creek Drive (the "Connector Road"). To the extent allowed by VDOT, such sidewalks may be located within the public rights of way. (P)
13. Street Trees. Street trees shall be installed along each side of the Circulation Roads and along the southern line of the right of way for the Connector Road. (P)

14. Project Identification Signs. Any Residential Community Identification signs shall be a monument design and shall not exceed a height of six (6) feet. (P)
15. Light Poles. Light poles shall have maximum height of fifteen (15) feet. (P)
16. Access. No lots shall have direct vehicular access from Edenshire Road or sole access to Ironbridge Road via Edenshire Road. (P)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

On motion of Mr. Miller, seconded by Mr. King the Board suspended its rules to allow for consideration of agenda items after 11:00 p.m.

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

05SR0171 (Amended)

In Matoaca Magisterial District, TIMOTHY J. HAULER requests renewal of Conditional Use (Case 03AN0226) for a bed and breakfast and a special events business operated incidental to a dwelling unit on 14.5 acres, plus Conditional Use to operate a special events business on an adjacent 6.1 acre parcel with alcohol sales on the entire 20.6 acres and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 20.6 acres fronting approximately 550 feet on the north line of Woodpecker Road and in two (2) places totaling approximately 700 feet on the west line of John Winston Jones Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 781-626-8240, 782-625-Part of 1888, 782-626-Part of 4544, 782-627-Part of 1927 and 782-627-Part of 6898.

Mr. Miller stated, as previously disclosed, he has business pending in the Chesterfield Circuit Court, declared a conflict of interest under the Virginia Conflict of Interest Act regarding this request, and excused himself from the meeting.

Mr. Robert Clay presented a summary of Case 06SN0171 and stated staff recommends approval of renewal of the Conditional Use to operate a bed and breakfast and special events business and the Conditional Use to operate a special events business on an adjacent 6.1 acre, noting that the request allows for the adaptive re-use and preservation of an historic structure. He noted that there have been several complaints in the past year relative to noise, operations on the adjacent property for which the use has not been granted and beyond the hours that the user is limited to operate. He stated, in staff's opinion, the recommendations ensure compatibility with existing and anticipated area development.

He further stated Matoaca High School, which is located on property adjacent to the subject property, was built after the effective date of the ordinance restricting the sale of alcoholic beverages for on-premises consumption within 500 feet of a school owned or operated by the county. He stated, if after the public hearing, the Board feels that the sale of alcoholic beverages for on-premises consumption will not have a detrimental impact on the adjacent school, then approval of the request for a Conditional Use to allow the sale of alcoholic beverages on the property in its entirety may be appropriate. He further stated, by a vote of 3-2, the Planning Commission recommended approval of all three requests, noting that the operation was well run; the site was well maintained; and the operation had existed with no apparent adverse impact. He noted the differences in the conditions imposed by the Board of Zoning Appeals and the conditions approved by the Planning Commission, including reduction of noise level to 50 decibels from the property.

In response to Mr. Warren's question, Mr. Turner stated the Planning Commission is currently considering revisions to the ordinance regarding the sale of alcoholic beverages within a certain distance of schools. He further stated it was the opinion of several members of the Planning Commission that there were loopholes in the existing ordinance that would not prohibit outside vendors from selling alcohol on sites in close proximity of schools for one-day events.

Mr. Richard Hairfield, representing the applicant, stated the events held on the subject property have been limited to family functions, and the special events are not open to the public. He further stated, if the Conditional Use is not renewed, it would be devastating for those who have family functions and weddings planned at the facility for the next several months. He stated the applicant did not have to address the serving of alcohol in its original application in 2002 because the original 14.5 acres is more than 500 feet from Matoaca High School. He further stated families using the facility could obtain a banquet permit and bring in their own alcohol, but the applicant wanted to be able to control alcohol consumption on the premises and went before the Alcoholic Beverage Control Board to acquire a permit to operate their business the correct way. He stated the applicant has been totally in compliance with its ABC permit, and no issues have occurred. He expressed concerns relative to numerous complaints, which have all been unfounded. He further stated the natural progression of the business was towards the gardens area; therefore, the applicant has expanded its request to an additional six acres. He stated the premises are well maintained; security is in place; and the operation has resulted in no adverse impact on the community. He further stated the property is heavily buffered from the school. He stated the applicant has a permit to serve alcohol and needs the Board's permission to continue to do so on the additional six acres. He further stated it would be virtually impossible for students to gain access to the property and acquire alcohol, and there have been no alcohol-related issues in the four years the business has operated.

In response to Mr. Warren's question, Mr. Hairfield stated the applicant has purchased a decibel meter to assess the noise levels.

Mr. King called for public comment.

Mr. C. L. Morrisette stated he thinks more noise is generated at the Matoaca High School football games than at the special events business. He further stated he would be more concerned about students acquiring alcohol in the school parking lot than at this facility.

Mr. Michael Murray, pastor of a local church, stated he has conducted many wedding ceremonies at the facility, and he has never witnessed anything regarding the concerns that have been raised.

Ms. Edie Bleattler, a resident of Woodpecker Road, stated the applicant has not complied with the stipulations relative to noise levels or hours of operation. She requested that the Board respect the neighbors' rights to peace and quiet by imposing a 10:00 p.m. closing time three nights a week, as originally approved three years ago. She further requested that the Board consider restrictions to control the noise level and also consider re-application in three years, so that residents in the new subdivisions alongside and behind Dellwood will be given the opportunity to express their concerns at that time.

Pastor Carolyn Harris stated she has conducted weekly Bible studies at Dellwood for approximately two years, indicating that it is a very peaceful and pleasant atmosphere. She further stated she housed an out-of-town evangelist at the bed and breakfast facility, and he intends to stay there again on his return visit to the area.

Mrs. Kelly Schultz, a resident of Woodpecker Road, expressed concerns that her family cannot sit on their front porch and enjoy their country evenings, but instead are forced to listen to other people's music for many hours. She requested that the Board not approve the permit as written, but limit the use of the property for event purposes to weekends only; that the amplified sound be used only from 6 to 10 p.m.; and that the Board uphold the condition relative to 50 decibels at the property line.

Mr. Dave Schultz, a resident of Woodpecker Road, expressed concerns relative to noise from the facility. He provided the Board with an audio presentation of how loud music must be to create 50 decibels at 300 feet and also how loud music must be to equal the sound he typically hears at his home during an event. He suggested that the Board restrict the noise to amplified sound on Fridays and Saturdays only between 6 and 10 p.m., with a sound level of 50 decibels at the property line.

Mr. Greg Schultz, a resident of Woodpecker Road, requested that the Board enforce the 50-decibel noise restriction and limit events to weekends only from 6 p.m. to 10 p.m.

Ms. Marleen Durfee, a Chesterfield resident, expressed concerns relative to consistency in placing restrictions on special events in the county. She commended the Board for supporting SAFE's efforts regarding teen drug and alcohol issues and expressed concerns about the Board sending a mixed

message by allowing the use of alcohol within five hundred feet of a county school.

Ms. Shelly Schuetz a Matoaca District resident, expressed concerns that Ms. Brenda Stewart's name was used by the applicant's attorney, indicating that Judge Hauler would not be before the Board tonight if he had all the permits he needed to operate his business, and the neighbors have a legitimate concern.

Ms. Victoria Grubb, an employee of Dellwood, stated she cannot hear the music being played outside when she goes inside the facility. She further stated music is typically only played for Saturday events, noting that rehearsal dinners are held on Friday nights without music.

Mrs. Martha Casey, resident of the Bermuda District, stated she supports the requests for Dellwood Plantation. She provided details of her experience as a mother of the bride who was married at Dellwood. She stated Dellwood is a home with rules, not a party site.

There being no one else to speak to the request, the public hearing was closed.

Mr. Hairfield stated the applicant has waded through the various complaints that have been filed and noted that most of the events at Dellwood have been held on Saturday nights. He further stated there have been no alcohol-related complaints or issues as a result of the operations. He requested the Board's approval of the requests.

Mr. King stated he declared a conflict of interest in a similar case, involving Celebrations at the Reservoir, because he caters weddings at that facility. He further stated he has never catered any events at Dellwood Plantation. He stated, although he has a great respect for the judicial system, he would not support a judge if he thought he was above the law. He further stated he will support whatever motion Mrs. Humphrey makes.

Mr. Warren stated he voted against the Celebrations at the Reservoir request due to noise concerns that were expressed, indicating that he will probably be consistent when voting on this request.

Mrs. Humphrey thanked the Schultz family for providing an audio presentation, stating that it is not clear to her whether the scientific evidence is applicable in this scenario. She further stated many of the other neighbors have indicated that they are not disturbed by the noise.

In response to Mrs. Humphrey's question, Mr. Clay stated the current condition imposed by the Board of Zoning Appeals limited events to 10 p.m. He further stated, as part of the renewal, the applicant has requested that the hours be extended to 11 p.m., indicating that the Planning Commission recommended approval. He stated events at the Celebrations facility are restricted to 11 p.m., with sound equipment not exceeding a noise level of 50 decibels. He further stated the Board of Zoning Appeals approved the request for a three-year time limit, and the applicant has requested that he not

have to return for renewal. He noted the use is limited to Judge Hauler and his wife exclusively.

Mrs. Humphrey stated the applicant has completed every possible task and answered every possible question that has come up. She further stated she has seen the electric fence and knows that Dellwood and Matoaca High School are not accessible to each other, noting that the physical barriers are also intact. She requested that outdoor events be monitored on Friday nights during football season. She stated alcohol is sold at businesses all around Clover Hill High School, and expressed concerns relative to the need to review the county ordinance relative to the sale of alcohol in close proximity to county schools. She requested that staff police the noise level to ensure compliance.

Mr. Clay stated the applicant will submit information to the Planning Department within 60 days of approval of the request indicating how he intends to comply with the 50-decibel noise level. He further stated Planning staff can monitor the noise levels, if necessary.

Mr. Warren expressed concerns relative to who is responsible for monitoring and enforcing noise levels.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved Case 05SR0171, subject to the following conditions:

1. This Conditional Use shall be granted to and for Timothy J. and/or Patricia Hauler, exclusively, and shall not be transferable or run with the land. (P)
2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)
3. The special events business shall not be open to the public on Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a. m. and 11:00 p. m. (P)
4. Special events shall be limited to the following:
 - a. Corporate retreats
 - b. Church retreats
 - c. Weddings (including rehearsal dinners and bridal luncheons)
 - d. Receptions (P)
5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)
6. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)

7. Sound equipment shall not exceed a noise level of 50 dB(A), as measured at the boundaries of Tax Ids 780-625-272; 790-625-5356; 780-625-7340; 780-625-32729023; 781-624-3595; 781-624-6083; 781-625-1011 and 782-625-4259. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)

Ayes: King and Humphrey.
Nays: Warren.
Absent: Miller.

18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

MR. BOB HERNDON

Mr. Bob Herndon provided the Board with data relative to increased ridership on GRTC's Route 82. He stated there is support for public transportation in Chesterfield County and thanked the Board for its support.

Mr. Warren stated this is a success story, with the rising costs of gasoline.

Mr. Herndon stated the ridership has continued to increase, even during the month of June, when people were taking vacations.

Mr. King stated he is delighted with the data, indicating that he supports the initiative wholeheartedly.

MR. C. L. MORRISSETTE

Mr. C. L. Morrisette thanked Mr. Warren for arranging a meeting for him with the County Attorney and Mr. Turner to discuss his situation on Beach Road. He expressed concerns relative to age discrimination when approving age-restricted housing through proffered conditions, indicating that the Board has no way to police the restrictions.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adjourned at 12:21 a.m. until August 23, 2006 at 3:00 p.m.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.

Lane B. Ramsey
County Administrator

R. M. "Dickie" King, Jr.
Chairman